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# **State Criminal Justice Functions**



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# State Criminal Justice Functions

Law enforcement, prosecution, and criminal defense are three components of the state's criminal justice system. This paper focuses on the involvement of the Department of Justice (DOJ), district attorneys (DAs), and the Office of the State Public Defender (SPD) in these three areas.

While local units of government are primarily responsible for providing law enforcement protection, DOJ provides law enforcement services to state and local law enforcement agencies. In addition, DOJ is charged with certain law enforcement responsibilities under state statute. The budget for DOJ in 2022-23 totals \$154,876,400 (all funds) and 712.14 full-time equivalent positions. The Department's total funding is comprised of \$76,330,400 general purpose revenue (GPR), \$54,597,500 program revenue (PR), \$23,491,300 federal revenue (FED), and \$457,200 segregated revenue (SEG). Among the staff authorized for the Department are special agents (law enforcement officers), crime laboratory personnel, and attorneys. The organizational chart for DOJ is included as Appendix I.

Under state law, criminal prosecutions are primarily the responsibility of locally elected DAs and their prosecutorial staff. The budget for the state district attorneys function in 2022-23 totals \$58,839,500 (all funds) and 498.90 positions. The state funded DA function is comprised of \$54,290,900 GPR and \$4,548,600 PR. All of the 498.90 state positions are attorney prosecutors. Other than for the state-funded costs of prosecutors' salaries and fringe benefits, the remaining staff and other costs of DA offices are generally the responsibility of Wisconsin counties. These county-supported costs and positions are not reflected in these figures.

There are 71 elected district attorneys in Wisconsin. Each county in the state is termed a "prosecutorial unit" except that Shawano and Menominee Counties form a two-county prosecutorial unit

and jointly elect a single district attorney.

While DAs are primarily responsible for criminal prosecutions in the state, DOJ is responsible for: (a) representing the state in all appeals of felony convictions, as well as in appeals of other significant criminal and juvenile delinquency cases; (b) representing the state in prisoner and sexually violent person (sexual predator) conditions of confinement suits; (c) assisting DAs, when requested, in certain criminal prosecutions; and (d) initiating criminal prosecutions and sexual predator commitments under certain circumstances.

Both the United States Constitution and the Wisconsin Constitution provide the right to counsel for individuals accused of a crime. The Office of the State Public Defender is generally responsible under state law for providing this required counsel to the indigent. The budget for the SPD in 2022-23 totals \$113,499,900 (all funds) and 619.85 positions. The Office's total funding is comprised of \$112,008,200 GPR and \$1,491,700 PR. Among the staff authorized for the SPD are attorney positions in the trial and appellate divisions. The State Public Defender also contracts with private bar attorneys to address a portion of the agency's caseload. The organizational chart for the SPD is included as Appendix II.

The criminal justice functions of these agencies are summarized in the following eight chapters of this paper. The first two chapters focus on services to law enforcement agencies provided by DOJ. The third chapter focuses on services provided by DOJ's Division of Forensic Science. The fourth chapter focuses on the law enforcement activities of DOJ. The fifth chapter focuses on the criminal justice-related grant programs administered by DOJ. The sixth and seventh chapters discuss the prosecutorial functions of DAs and DOJ respectively. The final chapter provides a discussion of the state's criminal defense function as carried out by the SPD.

*SERVICES TO LAW ENFORCEMENT AGENCIES BY THE DEPARTMENT OF JUSTICE*

Wisconsin law requires counties, cities, and those villages with a population of more than 5,000 to provide law enforcement services to their citizens. Towns and smaller villages are also permitted to provide law enforcement services to their residents. In addition, certain state agencies have specifically defined law enforcement responsibilities. These agencies include: (a) DOJ's Division of Law Enforcement Services and its Division of Criminal Investigation; (b) the State Patrol under the Department of Transportation; (c) the State Capitol Police; (d) the UW Police under the University of Wisconsin System; and (e) the Bureau of Law Enforcement under the Department of Natural Resources.

The Department of Justice's Division of Law Enforcement Services (DLES) is generally charged with meeting the agency's statutory responsibilities to state and local law enforcement agencies. The budget for the Division in 2022-23 is \$67,111,400 (all funds) and 269.89 positions. The Division is organized into three bureaus. These are the: (a) Training and Standards Bureau; (b) Crime Information Bureau; and (c) Bureau of Justice Information and Analysis. Note that the Crime Information Bureau administers the concealed weapons licensure and handgun purchaser background checks programs discussed in Chapter 2 of this paper. Funding and positions for DLES also include the former Division of Forensic Science (the former Crime Laboratory Bureau within DLES). The Division of Forensic Sciences is separately discussed in Chapter 3 of this paper.

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### **Training and Standards Bureau**

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Generally, the Division of Law Enforcement Services' Training and Standards Bureau has the following responsibilities: (a) staffing the Law Enforcement Standards Board; and (b) administering the training and certification requirements for law enforcement, tribal law enforcement, jail, and secure juvenile detention officers.

The Bureau's budget in 2022-23 is \$12,339,300 and 11 positions, comprised of \$5,470,800 GPR, \$6,814,600 PR, and \$54,100 FED and 1.0 GPR, 9.4 PR, and 0.6 FED positions. The Bureau's staff consists of education consultants, training officers, attorneys, grants specialists, and other supervisory and support personnel.

The Bureau's program revenue-funded budget is supported by the penalty surcharge (\$6,344,500 and 9.4 positions) as well as interagency and intra-agency services provided by the Department (\$470,100). Under current law, whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance, the court also imposes a penalty surcharge of 26% of the total fine or forfeiture. Approximately 50% of all penalty surcharge revenues spent in 2021-22 were allocated to DOJ to fund administration and reimbursement costs associated with recruit training and annual recertification training.

In recent years the penalty surcharge fund has operated in deficit. In 2021-22, the penalty surcharge fund concluded the fiscal year with a cumulative deficit of \$27,867,400. The Department of Justice estimates that the penalty surcharge fund will close the 2022-23 state fiscal year with a cumulative deficit of \$32,043,500.

## Law Enforcement Training and Certification

**Statutory Authorization.** The Law Enforcement Standards Board (Board) is established under ss. 15.255(1) and 165.85 of the statutes and is attached to DOJ. The Board consists of the following 15 members: (a) seven local law enforcement officers, including one sheriff and one chief of police; (b) two local government officials who occupy executive or legislative posts; (c) one district attorney; (d) one public member not employed in law enforcement; (e) the designee of the Secretary of the Department of Transportation; (f) the designee of the special agent in charge of the Milwaukee office of the FBI; (g) the designee of the Attorney General; and (h) the designee of the Secretary of the Department of Natural Resources. The representative of the FBI acts in an advisory capacity only and has no vote.

The Legislature has included the following policy statement relating to the Board's responsibilities: "The legislature finds that the administration of criminal justice is of statewide concern, and that law enforcement work is of vital importance to the health, safety and welfare of the people of this state and is of such a nature as to require training, education and the establishment of standards of a proper professional character. The public interest requires that these standards be established and that this training and education be made available to persons who seek to become law enforcement, tribal law enforcement, jail or juvenile detention officers, persons who are serving as these officers in a temporary or probationary capacity and persons already in regular service."

The Board has the following duties: (a) ensure that law enforcement, tribal law enforcement, jail, and secure juvenile detention recruits meet the minimum qualifications for recruitment; (b) oversee and fund the training of such recruits; (c) certify such recruits as officers upon the successful completion of their training; (d) oversee and fund the annual recertification training of certified law enforcement, tribal law enforcement, jail, and secure juvenile detention officers; (e) certify

schools and instructors that provide preparatory training to recruits and recertification training to certified officers; and (f) maintain an updated statewide record of all certified officers.

Under s. 165.86 of the statutes, the Department is to supply the staffing needs of the Board, and is to coordinate all preparatory, recertification, advanced, and special training activities in law enforcement in the state.

**Minimum Qualifications for Recruits.** Law enforcement, tribal law enforcement, jail, and secure juvenile detention recruits generally must meet the following minimum qualifications: (a) possess a valid driver's license (law enforcement and tribal law enforcement recruits only); (b) be 18 years of age; (c) not have been convicted of any federal felony or any offense which, if committed in Wisconsin, could be punished as a felony unless granted a pardon; (d) not have been convicted of a misdemeanor crime of domestic violence as defined in 18 USC 921(a)(33), convicted of domestic abuse as defined in s.968.075(1)(a), or convicted of a crime that is subject to the imposition of the domestic abuse surcharge defined under s. 973.055(1), regardless of whether any part of the surcharge was waived by the court, unless granted an absolute and unconditional pardon; (e) possess a high school diploma; (f) possess either a two-year associate degree or a minimum of 60 fully accredited college level credits (law enforcement and tribal law enforcement recruits only); (g) be of good character, as determined by the results of a background investigation and a search of local, state, and national fingerprint records; (h) be free from any physical, emotional or mental condition which might adversely affect the performance of one's duties; (i) submit to and satisfactorily complete an oral interview with the employing authority and (j) submit to drug testing.

Recruits who have been convicted of any crime of domestic violence may not be permitted to become a law enforcement officer or tribal law enforcement officer unless the individual has been

granted an absolute and unconditional pardon for the crime. The statutes do not bar recruits who have been convicted of a domestic violence crime from becoming jail or secure juvenile detention officers. However, as indicated above, jail and secure juvenile detention recruits may not have been convicted of any federal felony or any offense which, if committed in Wisconsin, could be punished as a felony, unless they have been granted a pardon.

**Preparatory Training of Recruits.** Law enforcement, tribal law enforcement, jail, and secure juvenile detention recruits must all successfully complete a minimum requirement of preparatory training in order to be certified as an officer in Wisconsin. Officers receive this training through academies certified by the Board based on adequacy of facilities and competence of instructional staff. The Board may authorize and approve a training program or training academy only if the program or academy is operated by an agency of the state or by a political subdivision of the state. Under statute, a political subdivision includes a county, city, village, town, town sanitary district, public inland lake protection and rehabilitation district, or technical college district. Only training provided by and from Board certified academies is eligible for reimbursement from DOJ. Political subdivisions must be reimbursed for expenses incurred by recruits who satisfactorily complete training at schools certified by the Board. Reimbursable preparatory training costs include Board-approved tuition, living and travel expenses.

On December 2, 2014, the Board approved a 720-hour preparatory law enforcement officer curriculum for implementation effective January 1, 2016. The curriculum is divided into three phases: introduction and non-emergency responses; emergency response; and investigations. Various topics of study are covered in each of the three phases. These topics of study are identified, in alphabetical order, in Appendix III. Appendix III also identifies the number of hours of study the curriculum assigns each training topic.

Table 1 identifies the amounts expended by the Board in 2021-22 to provide reimbursement for training to certified academies for 455 law enforcement and tribal law enforcement recruits. The reimbursements covered the recruit's tuition, lodging, meals, and mileage costs.

**Table 1: DOJ Reimbursement of Law Enforcement Recruit Training (2021-22)**

Type of Law Enforcement Recruits	Recruits Trained	Reimbursement
Local*	405	\$1,999,700
State	45	225,000
Tribal	<u>5</u>	<u>23,800</u>
Total	455	\$2,047,500

\*According to DOJ, some of the funding utilized to support local law enforcement recruits may also have been utilized to support tribal law enforcement recruits.

Under statute, in order to be certified as jail and secure juvenile detention officers, recruits must complete a minimum 160 hour preparatory training curriculum prepared by the Board. On June 8, 2016, the Board approved an increase in the number of hours in the curriculum for a jail officer recruit from 160 hours to 200 hours. Academies started offering the 200-hour academy beginning January 1, 2019. The curriculum for juvenile detention officer recruits remains at 160 hours. In 2021-22, the Department provided reimbursements totaling \$849,800 (\$699,800 PR and \$150,000 GPR) to certified academies for providing preparatory training to 603 jail and secure juvenile detention recruits. The reimbursements covered costs for tuition, lodging, meals, mileage, salary and fringe benefits.

Appendix III identifies the training topics covered by the Board-certified curriculum for jail officer recruits and secure juvenile detention officer recruits. Appendix III also identifies the number of hours of study the curriculums assign each training topic.

**Annual Recertification Training.** Law enforcement (except locally elected sheriffs), tribal law enforcement, jail, and secure juvenile detention officers must maintain appropriate employment in order to remain certified. Additionally, officers must annually complete a minimum of 24 hours of additional training to maintain their certification.

As part of the annual 24 hours of recertification training, law enforcement and tribal law enforcement officers must biennially complete at least four hours of training in police pursuit from curricula based upon model standards established by the Board. Additionally, law enforcement and tribal law enforcement officers must annually complete a handgun qualification course from curricula based upon model standards established by the Board. Both the handgun and police pursuit training may be counted towards the required 24 hours of annual recertification training.

Under s. 165.85(5)(b) of the statutes, reimbursement of approved expenses for completion of annual recertification training must total at least \$160 per officer. Under current policy of the Attorney General, the annual reimbursement per officer is set at \$160. For recertification training received by law enforcement officers during 2021-22, DOJ provided \$2,284,800 (\$2,000,000 GPR and \$284,800 PR) in reimbursements. Due to the timing of when law enforcement agencies report annual officer recertification training, the majority of the reimbursements are provided by DOJ in the following fiscal year through the use of encumbered funds.

In addition to providing reimbursements for annual recertification training, the Bureau sponsors training events for law enforcement officers. These events provide both advanced and specialized training in areas such as sexual assault, sexual assault of a child, domestic violence, and

leadership. In 2021-22, the Bureau sponsored 19 advanced and specialized criminal justice training events. These events provided training to 1,111 officers.

**Certification of Schools and Instructors to Train Recruits and to Provide Recertification Training.** The Board may authorize and approve a training program or training academy only if the program or academy is operated by an agency of the state or by a political subdivision of the state. The Board certifies schools based on the adequacy of facilities and the competency of staff and faculty. School certifications are in effect for two year periods, and are subject to renewal. A new instructor must complete an instructor development course and other specialized instructor training as designated by the Board. Table 2 identifies the number of academies and instructors (including the number of new instructors) certified to provide preparatory training and recertification training in 2021-22. Table 3 identifies the 22 academies that were certified by the Board to provide preparatory and recertification training, as of the end of 2021-22. While only Board-certified academies can provide preparatory training to recruits, the Department has indicated that any law enforcement agency can provide recertification training for its officers. State and local law enforcement agencies may provide recertification training to their own officers and are only required to utilize certified training instructors for courses employing Board-approved training guides or curriculum, such as for police pursuit or handgun training. Law enforcement agencies are not required to utilize Board-approved training guides or curriculum for recertification training. Beyond the requirement for biennial police pursuit training and annual handgun training, individual agencies may specify the content of their 24-hour annual recertification training, although many agencies do use Board approved curriculum.

**Table 2: Number of Certified Academies and Instructors (2021-22)**

Training Certifications	Number
Academies	22
New Instructors*	425
All Instructors	4,035

\*New instructors include individuals who became certified as an instructor and certified instructors who received a certification in an additional topic.

**Table 3: Certified Academies**

Blackhawk Technical College
Chippewa Valley Technical College
Dane County Sheriff's Academy
Fox Valley Technical College
Gateway Technical College
Lakeshore Technical College
Madison Area Technical College
Madison Police Academy
Mid-State Technical College
Milwaukee Area Technical College
Milwaukee County Sheriff's Academy
Milwaukee Police Academy
Moraine Park Technical College
Nicolet Area Technical College
Northcentral Technical College
Northeast Wisconsin Technical College
Northwood Technical College (formally Wisconsin Indianhead Technical College)
Southwest Wisconsin Technical College
Waukesha County Technical College
Western Wisconsin Technical College
Wisconsin Department of Natural Resources
Recruit Warden Academy
Wisconsin State Patrol Academy

**Statewide Roster of Certified Officers.** The Board must maintain a current statewide roster of certified officers. As necessary, new officers must be certified to the list and existing officers must be decertified from the list. Grounds for decertification include: (a) termination of employment with the law enforcement agency for any reason; (b) failure to comply with a rule or order of the Board relating to curriculum or training; (c) failure to make child or family support payments; (d) falsifying information to obtain or maintain certified status; (e) conviction of a felony, or any crime that, if committed in Wisconsin, could be punished as a felony; or (f) conviction of a

misdeemeanor crime of domestic violence. 2021 Act 82 added criteria for decertification for a law enforcement employee who is terminated for cause or who resigns in lieu of termination.

Table 4 identifies the number and type of active certified officers on the roster as of June 30, 2022.

**Table 4: Number of Active, Primary and Certified Officers, June 30, 2022**

Type of Officer	Number
Law Enforcement	11,809
Jail	1,841
Law Enforcement and Jail	1,478
Jail and Secure Juvenile Detention	279
Secure Juvenile Detention	133
Tribal Law Enforcement	91
Law Enforcement, Jail, and Secure Detention	<u>6</u>
Total	15,637

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### Crime Information Bureau

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The Division of Law Enforcement Services' Crime Information Bureau has the following responsibilities: (a) administration and maintenance of Wisconsin's criminal history database; (b) administration and maintenance of the Transaction Information for the Management of Enforcement (TIME) System; (c) operation of the handgun purchaser record check program; and (d) administration of the concealed carry licensure program; and (e) justice information sharing.

The Bureau's budget in 2022-23 totals \$9,816,200 (\$803,300 GPR, \$8,965,100 PR, and \$47,800 FED) and 63.0 positions (4.08 GPR positions, and 58.92 PR positions). The Bureau's staff consists of license and permit program associates, criminal history record personnel, information technology personnel, and supervisory and support personnel.

The Bureau's program revenue-supported budget is primarily funded by: criminal history search fees (\$2,506,600 and 17.67 positions); TIME System user fees from law enforcement agencies (\$2,668,600 and 6.25 positions); handgun purchaser record check and concealed weapons licensure fees (\$2,561,600 and 27 positions); the Wisconsin justice information sharing program (\$156,200); and interagency and intra-agency fees received by DOJ for services provided to other state agencies (\$393,300 and 0.1 positions).

The Bureau assesses a number of criminal history search fees to various users who request a search of the state's criminal history database for purposes unrelated to criminal justice. Further, as a part of the TIME System, the Bureau is authorized to assess fees on law enforcement and tribal law enforcement agencies for rentals, use of terminals, and related costs and services associated with the system.

Revenue from the justice information system surcharge is transferred to the Bureau to fund the Wisconsin justice information sharing program. The \$21.50 justice information system (JIS) surcharge imposed on an individual who is assessed a court fee for the commencement of certain court proceedings. In recent years the JIS surcharge fund has operated in deficit. In 2021-22, the JIS surcharge fund concluded the fiscal year with a cumulative deficit of \$9,911,600.

### **Criminal History Database**

**Statutory Authorization.** Under s. 165.83(2)(a) of the statutes, DOJ is directed to obtain and file fingerprints, descriptions, photographs and any other available identifying data on persons who have been arrested or taken into custody in Wisconsin for a variety of offenses. These offenses include:

- An offense which is a felony or which

would be a felony if committed by an adult;

- An offense which is a misdemeanor, which would be a misdemeanor if committed by an adult or which is a violation of a local ordinance, and the offense involves burglary tools, commercial gambling, dealing in gambling devices, contributing to the delinquency of a child, dealing in stolen property, controlled substances or controlled substance analogs, firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks;

- An offense charged or alleged as disorderly conduct but which relates to an act under the previous bullet point;

- Being a fugitive from justice; or

- Any other offense designated by the Attorney General.

Within 24 hours of an arrest, the arresting agency must generally forward to DOJ all of the following for inclusion in the criminal history database: (a) fingerprints in duplicate; (b) full face, profile and full length photographs; and (c) other available identifying data. In addition, beginning April 1, 2015, if an individual is arrested for a violent crime or is a juvenile who is taken into custody for an offense which would be a violent crime if committed by an adult, a law enforcement or tribal law enforcement agency must obtain a biological sample from that individual for DNA analysis when the agency obtains the other identifying information discussed above. [The requirement to submit a biological sample at arrest beginning April 1, 2015, is a provision under 2013 Acts 20 and 214, and is discussed in the section of Chapter 3 entitled, "DNA Collection, Analysis, Data Storage, and Usage."] In calendar year 2021, 138,573 new arrest incidents were submitted by Wisconsin law enforcement agencies to the Crime Information Bureau. The majority of this information is

submitted electronically.

Photographs are forwarded at the discretion of the arresting agency; however, any such photographs retained locally must be available to be forwarded to DOJ if requested by the Department.

The Department must also accept for the database any fingerprints and other identifying data that have been taken at the discretion of law enforcement agencies relating to persons arrested or taken into custody for offenses other than those identified in the points above. In addition, the Department must obtain and file fingerprints and other available identifying data on unidentified human corpses found in the state.

Pursuant to s. 165.83(2)(h) of the statutes, DOJ must collect and maintain all of this submitted data and establish a state system of criminal identification. As a part of this criminal history database, the Department is required to collect information on the legal action taken in connection with offenses committed in Wisconsin from the inception of the complaint to the final discharge of the defendant, as well as any other useful information in the study of crime and the administration of justice. The database receives information on prosecution, court findings and sentences through an interface with the state court system's consolidated court automation program (CCAP).

Section 165.83(2)(j) of the statutes further requires the Department to utilize this database to, "compare the fingerprints and descriptions that are received from law enforcement agencies and tribal law enforcement agencies with the fingerprints and descriptions already on file and, if the person arrested or taken into custody is a fugitive from justice or has a criminal record, immediately notify the law enforcement and tribal law enforcement agencies concerned and supply copies of the criminal record to these agencies." The Department is required to operate on a 24-hour-a-day basis, seven days a week in order to comply with this requirement.

**Computerized Criminal History Database and Automated Fingerprint Identification System.** The computerized criminal history database contains detailed information of arrests, arrest charges, prosecution, court findings and sentences, and state correctional system admissions and releases that are required to be submitted to the Department. All information in the database is linked to specific fingerprint records submitted by arresting law enforcement agencies and stored in the automated fingerprint identification system (AFIS), which is operated and maintained by the Division of Forensic Sciences.

The AFIS system electronically stores the fingerprints that are required to be submitted to DOJ. The system enables law enforcement agencies to run a check either on a fingerprint collected at a crime scene or on a fingerprint collected from an arrested individual against the entire AFIS fingerprint database. Where a matching fingerprint is found in the AFIS database, the system can positively identify the individual whose fingerprint was run. The AFIS system also allows DOJ to electronically store fingerprints collected at crime scenes that cannot be matched to an individual ("latent" fingerprints). If at a later time, the individual's fingerprint is collected by law enforcement because the individual is arrested, the electronic storing of previously unmatched crime scene fingerprints permits DOJ to link the individual to another crime the person may have committed.

Wisconsin law enforcement agencies currently take fingerprint impressions of all ten fingers (called tenprints) when an individual is arrested. As of July 1, 2022, 35.4 million fingerprints were stored on AFIS. Approximately 300,000 additional tenprints are added to the system monthly. As of July 1, 2022, the system has a storage capacity of 3,500,000 incidents with tenprint records and 55,000 latent fingerprint search records.

The AFIS system permits the Department to

also electronically store palm prints. Palm prints provide an additional law enforcement tool to positively identify an individual. As of July 1, 2022, 3.4 million sets of palm prints associated with an incident were stored on AFIS. Approximately 41,000 additional palm print sets are being added to the system monthly. The AFIS system has a storage capacity for 1,500,000 incidents with palm print sets. The palm print database has been built in cooperation with the Department of Corrections. The Department of Corrections takes palm prints when new prisoners are admitted to the state correctional system.

As of July 1, 2022, there were 14,880 cases with latent fingerprint or latent palm print records stored on AFIS. There were 21,878 latent fingerprint lifts and 5,529 latent palm lifts associated with these cases.

In addition to Department personnel, access to AFIS has been granted by the agency to six law enforcement agencies across the state through AFIS workstations. These law enforcement agencies include two county sheriff's departments (Dane and Milwaukee) and four municipal police departments (Green Bay, Madison, Milwaukee, and Racine). These law enforcement agencies utilize AFIS workstations located at eight locations across Wisconsin.

This access enables these local agencies to independently solve crimes using the AFIS tenprint, palm print, and latent fingerprint/palm print databases and positively identify arrested individuals. This linkage also allows these local users to update the state AFIS and linked criminal history databases.

During calendar year 2021, Department and local law enforcement personnel reviewed: (a) 3,171 tenprint to tenprint verifications performed by the AFIS unit; (b) 83,072 incidents requiring quality control were reviewed by the AFIS Unit; (c) 55,067 incidents with potential unsolved latent matches located by the AFIS were reviewed by an

examiner (43,722 fingerprint incidents, 11,345 palm incidents); (d) 4,647 latent fingerprints searched against the tenprint database and reviewed by an examiner; and (e) 1,595 latent palm prints searched against the tenprint database and reviewed by an examiner.

As of July 1, 2022, 239 mobile identification devices were in place at law enforcement agencies and Department of Corrections' (DOC) facilities across the state. These devices electronically capture two fingerprints and compare them to the fingerprint images on file in AFIS. This capability allows positive identification to occur remotely at these agencies without an AFIS workstation. Additionally, as of July 1, 2022, 164 Livescan devices in law enforcement agencies and DOC facilities which contain special software and an add-on fingerprint capture device to allow agencies to electronically transmit finger and palm print records to the AFIS.

The criminal history database is typically searched by name or by fingerprint. Law enforcement agencies may access the database or may have it searched by Department personnel, at no cost if the search is completed for criminal justice purposes.

Because Wisconsin is an "open records" state, governmental agencies, non-profit organizations and any other requester may also have the Department search the criminal history database for non-criminal justice purposes. In calendar year 2021, the Crime Information Bureau received 846,664 non-criminal justice search requests of the criminal history database. These types of requests are generally made in connection with an employment or professional licensing application.

Under s. 165.82 of the statutes, DOJ is authorized to charge a fee for non-criminal justice related searches of the criminal history database. A \$7 fee is assessed for a name-based search of the criminal history database. For a \$15 fee, government agencies and nonprofit organizations may request a

fingerprint-based search of the Wisconsin criminal history database.

In addition, a \$5 surcharge is assessed if the requestor must have a paper copy of the results of the search. In 2021-22, the Department received revenues from criminal history search fees totaling \$7,300,900.

### **Transaction Information for the Management of Enforcement (TIME) System**

**Statutory Authorization.** The Transaction Information for the Management of Enforcement (TIME) System provides law enforcement agencies across the state access to a variety of law enforcement-related databases. Under s. 165.83(2) of the statutes, DOJ must: (a) obtain and file information relating to identifiable stolen or lost property; and (b) generally obtain and file a copy or detailed description of each arrest warrant issued in this state but not served because the whereabouts of the person named on the warrant is unknown or because that person has left the state. In making criminal history information, stolen property, wanted persons and other relevant information available to law enforcement agencies, the statutes further require DOJ to create and administer the TIME System.

The TIME System provides Wisconsin law enforcement agencies electronic access to the following databases:

- State and national wanted, missing and unidentified persons;
- Stolen motor vehicles;
- Identifiable stolen property;
- Driver and vehicle registration files;
- State and national criminal history information;

- The sex offender registry maintained by the Department of Corrections;

- Persons subject to protection orders; and

- Other databases of interest to law enforcement for officer safety.

The relevant data is provided by the TIME System through its access to: (a) DOJ's criminal history, stolen property and wanted persons databases; (b) the Department of Corrections' sex offender registry and probation, parole, and extended supervision files; (c) selected Department of Natural Resources files; (d) the federal National Crime Information Center database; and (e) the National Law Enforcement Telecommunication System, which provides access to out-of-state and Canadian data on criminal history, vehicle registration and driver files.

**System Administration.** As of July 1, 2022, the TIME System consisted of 13,236 workstations located in 674 local, state and federal law enforcement agencies in Wisconsin. Of these workstations, 4,873 terminals were mobile units that provide information directly to the patrol officer. In addition to these physical workstations, limited, read-only access to the TIME system may also be accessed by law enforcement officers from a standard device with Internet access using an Internet browser. On an average day, the TIME system processes approximately 155,900 initiator transactions returning approximately 897,600 responses. As of July 1, 2022, there were 20,977 active users in the Wisconsin TIME system.

The Department is authorized to assess fees to law enforcement agencies for the costs of terminal rental, usage, and related services to support the operation of the TIME System. In 2021-22, the Department collected a total of \$2,322,400 in TIME System user fees.

The TIME System's 2022-23 budget includes

\$2,668,600 PR and 6.25 PR positions, funded from TIME system user fees, for the Crime Information Bureau to administer the system. The TIME System's 2022-23 budget also includes \$742,300 PR and 4.0 PR positions, funded from the penalty surcharge, for the Division of Management Services' Computing Services Bureau to provide information technology services for the system. Under current law, whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance, the court also imposes a penalty surcharge totaling 26% of the fine or forfeiture imposed.

As previously discussed, in recent years the penalty surcharge fund has operated in deficit. In 2021-22, the penalty surcharge fund concluded the fiscal year with a cumulative deficit of \$27,867,400. The Department of Justice estimates that the penalty surcharge fund will close the 2022-23 state fiscal year with a cumulative deficit of \$32,043,500.

### **Wisconsin Justice Information Sharing Program**

Under 2013 Act 20, DOJ was charged with the responsibility of promoting and coordinating automated justice information systems between counties and state criminal justice agencies. The Department's justice information sharing initiative was known as the Wisconsin Justice Information Sharing (WIJIS) program. For 2022-23, the WIJIS program budget is \$904,600 PR and 3.1 PR positions. The program revenue is provided from the justice information system surcharge. The \$21.50 justice information system surcharge is generally assessed with a court fee for the commencement or filing of certain court proceedings, including civil, small claims, forfeiture, wage earner, or garnishment action, an appeal from municipal court, third party complaint in a civil action, or for filing a counterclaim or cross complaint in a small claims action.

The primary IT initiative of WIJIS is the WIJIS Workflow Services which is designed to support many different types of information exchange securely over authenticated Internet connections. The intent of Workflow Services is to streamline the processing of criminal justice records across multiple agencies. By providing a central hub for integration, Workflow Services allows agencies to implement information exchanges faster and at a lower cost than alternatives requiring multiple point-to-point exchanges. Workflow Services is generic technology that accommodates a wide variety of information sharing business processes.

For example, the Workflow Services application eCitation supports the secure exchange of electronic citations originated by law enforcement agencies. Workflow Services routes citations to the courts, prosecutors, local municipal court systems, and multiple tracking/reporting databases, based on business routing rules established by the users of the system.

The eCitations application has eliminated duplicative data entry of citation information. Prior to eCitations, each court, district attorney office, and the Department of Transportation (DOT) had to manually key in information for each citation. The eCitations application has enabled DOT to satisfy federal requirements for posting convictions on driving records within 10 days of adjudication. All of Wisconsin law enforcement agencies, including the State Patrol, submit electronic traffic citations via eCitations.

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### **Bureau of Justice Information and Analysis**

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The Division of Law Enforcement Services's Bureau of Justice Information and Analysis (BJIA) is intended to develop the State's capacity to conduct research, analysis, and program evaluation efforts to address a variety of criminal justice research needs and to support data-driven decision

making and policy development. The Bureau contains the state's Statistical Analysis Center (SAC) and the Uniformed Crime Reporting (UCR) program. Research is conducted by the Bureau at the request of the Department, the state Criminal Justice Coordinating Council (CJCC), and Legislature. The Bureau also assists in developing studies and setting metrics for grant programs administered by DOJ. Finally, BJIA, along with the Training and Standards Bureau, staffs the state CJCC to provide the Council with information regarding the state's criminal justice system.

The Bureau consists of two units: the UCR unit and the research and evaluation unit. The UCR unit is primarily responsible for the collection, analysis, and reporting of crime and related data for the state, as well as conducting research related to crime trends and patterns.

The Bureau of Justice Information and Analysis is not separately budgeted for within DOJ. However, DOJ estimates that for 2022-23, BJIA is supported by \$199,500 GPR, \$391,500 PR, and \$277,800 FED, as well as 1.9 GPR, 4.1 PR and 4.0 FED positions. The positions assigned to BJIA support both the uniform crime reporting unit and the research and evaluation unit, along with the overall role of BJIA as the Statistical Analysis Center for Wisconsin.

### **Statistical Analysis Center and Uniform Crime Reporting**

**Statutory Authorization.** Under s. 165.845 of the statutes, the Department must: (a) maintain a statistical analysis center to serve as a clearinghouse of justice system data and information and conduct justice system research and data analysis; (b) collect and publish statewide crime and arrest data from all participating law enforcement agencies (primarily local law enforcement agencies); and (c) forward statewide crime and arrest data to the FBI and participate in the FBI's Uniform Crime Reporting (UCR) program. Under state statute, law enforcement agencies and other

criminal and juvenile justice system agencies must supply DOJ with crime data. Data collected and managed by SAC is utilized to satisfy federal grant reporting requirements under the Violence Against Women Act and the Juvenile Justice Delinquency Prevention Act, as well as to produce statewide crime publications.

Under 2021 Act 50, DOJ is required to collect additional information regarding use-of-force incidents. Specifically, the act requires law enforcement agencies to report, and DOJ to collect, specified information about the people involved in, and the circumstances surrounding, the following types of use-of-force incidents: (a) the discharge of a firearm by a law enforcement officer at or in the direction of a civilian; (b) the discharge of a firearm by a civilian at or in the direction of a law enforcement officer; (c) an action taken by a law enforcement officer as a response to an act of resistance results in great bodily harm or death; or (d) an act of resistance taken by a civilian against a law enforcement officer results in great bodily harm or death.

Specifically, for any of these use-of-force incidents, the act requires DOJ to collect, and law enforcement agencies to report, the following information concerning the incident: (a) gender, race, ethnicity, and age of each person who was shot at, injured, or killed; (b) date, time, and location of the incident; (c) reason for the law enforcement officer's initial contact with the civilian; (d) whether any civilian involved in the incident was armed and, if armed, the type of weapon that the civilian had; (e) type of resistance used against the law enforcement officer by the civilian, the type of action taken in response by the officer, and if applicable, the types of weapons used; (f) number of law enforcement officers and civilians involved in the incident; (g) brief description regarding any acts of resistance that precipitated the incident and the circumstances surrounding the incident, including perceptions on behavior or mental disorders; and (h) any other information that is required

to comply with the reporting standards of the FBI's National Use-of-Force Data Collection system.

Finally, the act requires DOJ to publish an annual report that includes, at a minimum, all of the information that DOJ is required to collect, and agencies are required to report, concerning use-of-force incidents, as described above. The act also authorizes DOJ to publish the annual reports electronically on its website in an interactive format.

**SAC and UCR Operations.** The state's Statistical Analysis Center (SAC), which encompasses the state's UCR program, has generally been funded through federal grant monies since 2003. As a result, the work of the SAC is completed under the restrictions of utilized federal funding. Additionally, the Department utilizes its federal funding to support limited-term employees and contract hours for project support from the Department's Bureau of Computing Services. The Department primarily utilizes federal Justice Assistance Grant (JAG) funds to support SAC/UCR, however additional federal grants are also utilized to support various projects performed by SAC. Due to reductions in federal funding, annual JAG funds have not been sufficient to support the operating budget of SAC/UCR. As a result, the Department has utilized unused federal grant money from initiatives in prior years to support the annual operating costs for SAC/UCR.

Data currently collected by the SAC is utilized to satisfy federal grant reporting requirements for DOJ's Violence Against Women Act (VAWA) and Juvenile Justice programs. The Department's VAWA program utilizes the Center's access to Consolidated Court Automation Program (CCAP) records to meet federal reporting requirements for temporary restraining orders and restraining orders, thereby ensuring the state's eligibility to continue to receive federal VAWA funding.

The SAC also collects and maintains a statewide database of juvenile admission records

to Wisconsin's secure detention centers. The juvenile justice program at DOJ utilizes this data to assess the state's compliance with the federal Juvenile Justice Delinquency Prevention Act (JJDPA) and to satisfy federal reporting requirements. Maintaining compliance with JJDPA is necessary in order to receive federal juvenile justice grant funding.

The UCR program was first developed to create a national uniform collection of crime statistics for trend comparison and data analysis. The UCR program tracks offense and arrest data for eight crimes: (a) murder and non-negligent manslaughter; (b) forcible rape; (c) robbery; (d) burglary; (e) aggravated assault; (f) theft/larceny; (g) motor vehicle theft; and (h) arson. Under the UCR program, in a multiple offense case only the most severe offense is counted.

In 1988, the National Incident-Based Reporting System (NIBRS) was created to address a need for a more detailed crime reporting program. The system expands on the original UCR system, now referred to as the Summary-Based Reporting System (SBR), by increasing the number of crimes for which data is collected and reported from eight to 50. While NIBRS provides information on alleged offenses and arrests (similar to SBR), it also provides additional information on associated victims, offenders, property, weapons and arrestees. In addition, NIBRS does not limit data collection in a multiple offense case to only the most severe offense.

The UCR system now encompasses both the traditional SBR system, as well as the NIBRS system. With slight modifications, Wisconsin adopted NIBRS as the Wisconsin Incident-Based Reporting System (WIBRS) in 2005. The Department of Justice, has been working towards transitioning more law enforcement agencies from summary-based reporting to incident-based reporting as local technology capacity improves and federal grant funding becomes available.

The Department collects, validates, and synthesizes this crime data. Of the 567 law enforcement agencies in Wisconsin, 382 agencies report offense and arrest data to DOJ under the UCR program, as of July, 2022. Of these 382 agencies, 40 agencies report under the summary-based reporting system, 342 agencies are certified to report under the incident-based reporting system, and 70 agencies are currently testing for IBR certification. The remaining law enforcement agencies in Wisconsin are considered "covered by" agencies and report their offense and arrest data through another agency, typically the county sheriff office, rather than reporting directly to DOJ.

Reports for both systems are collected on a monthly basis: UCR-SBR reports are submitted by paper and UCR-WIBRS reports are submitted electronically. This data is organized into annual statewide reports, as well as forwarded to the FBI for nationwide trend and comparison reports on crime. Major SAC reports include the annual crime, arrest, sexual assault, hate crimes, and assault of police officer reports.

In recent years, some federal funding was utilized for WIBRS implementation. As of July, 2022, 342 law enforcement agencies are certified to participate in the WIBRS system, including 269 municipal police departments, 67 sheriff's offices, five tribal law enforcement agencies, and one state agency. As of July, 2022, 93% of the population in Wisconsin was covered by WIBRS reporting agencies. The high percentage of population coverage relative to the number of agencies is due in part to the top three populated cities of Milwaukee, Madison, and Green Bay reporting under IBR. According to DOJ, the FBI sunset the SBR system January, 2021, and therefore all law enforcement agencies need to utilize incident-based reporting.

The UCR data collected by DOJ is used to calculate Wisconsin's federal JAG funding and to satisfy certain federal reporting requirements.

This UCR data is the only statewide source of long-term crime and arrest data, law enforcement staffing levels, and data on law enforcement officers killed or injured in the line of duty.

Staff at BJIA assists law enforcement with the collection and coding of crime statistics data, including answering questions and solving reporting and jurisdictional issues with individual agencies. In addition, BJIA offers training sessions on incident-based UCR reporting to law enforcement agencies across the state. In response to the pandemic, BJA created an e-learning module that is available for all law enforcement agencies.

BJIA maintains a set of interactive data tables on DOJ's website to make UCR data available to the public. While the data tables currently focus on offense and arrest data, DOJ also maintains data tables that contain more detailed information on homicides, sexual assault, arrestee demographics, and other topics of concern.

**Research and Evaluation.** The Research and Evaluation Unit is responsible for program evaluation of grant-funded programs and projects funded with state resources and under the federal Justice Assistance Grant (JAG). In addition to program evaluation, the unit conducts research projects on issues facing Wisconsin's criminal justice system. Information on state funded criminal justice grant programs can be found in Chapter 4 of this paper, and information on state funded grant programs that provide victim and witness services can be found in the Legislative Fiscal Bureau's informational paper entitled, "Crime Victim and Witness Services."

The unit does on-going data collection and reports for the state's Treatment Alternatives and Diversion (TAD) grant program. Specifically, the next five-year evaluation of the TAD program will cover 2019-2023. Further, the unit was involved in the rollout of the Comprehensive, Outcome, Research, and Evaluation (CORE) Reporting System. The CORE system is a web-based application

that tracks treatment court and diversion program participant data from referral to discharge for performance measurement and evaluation purposes. The goal is the system is to improve data quality and provide tools to evaluate the effectiveness of treatment courts and diversion programs. As of September, 2022, approximately 56 counties and two tribes had access to the system, with the majority being TAD counties.

In addition, the unit provides research for the DOJ Sexual Assault Kit Initiative (SAKI). The purpose of this initiative is to build a multidisciplinary approach to sexual assault response, test previously unsubmitted sexual assault kits, and prevent future backlog of unsubmitted kits. The unit was involved in developing the process and tracking all aspects of data for this project from initial inventory through prosecution. The data is updated on the Wisconsin SAKI website.

In 2017, the Research and Evaluation Unit began working with the Department of Health Services to develop strategies to improve the response to overdose deaths through Overdose Fatality Reviews (OFR). Through training, technical assistance, data collection, case review, and action planning, teams in selected counties are adopting multidisciplinary response strategies to reduce overdose deaths. The role of BJIA has been to provide support with data collection and analysis for the reviews, and tracking of recommendations.

As of October, 2022, a total of 22 teams representing 24 counties had initiated overdose fatality reviews. The majority of the funding has been pass through funding from DHS based on a grant from the Centers for Disease Control (CDC).

The Firearms Unit of DOJ's Crime Information Bureau is responsible for administering the concealed weapons licensure and certification program. The unit also is responsible for the handgun purchaser records check program.

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### Concealed Weapons Licensure

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**Statutory Authority.** Under ss. 175.60, the Department is required to: (a) license of Wisconsin citizens to carry concealed weapons if not disqualified; (b) issue certification cards to former federal law enforcement officers seeking to carry concealed firearms; (c) develop a concealed weapons licensee database and associated interfaces with federal law enforcement databases, the DOJ Transaction Information for the Management of Enforcement (TIME) System, and the circuit court system's Consolidated Court Automation Program (CCAP); and (d) issue certification cards to out-of-state law enforcement officers who reside in Wisconsin.

**Initial Licensure.** Under Act 35, DOJ is required to design an application form and license for Wisconsin residents seeking licensure to carry a concealed weapon. An individual may apply for a concealed weapons license with DOJ by submitting all of the following: (a) a completed application; (b) a statement that the information provided in the submitted application and any document submitted with the application is true and complete to the best of the applicant's knowledge; (c) a license fee in an amount, as determined by DOJ rule, that is equal to the cost of issuing the license but does not exceed \$37 (DOJ is required to determine the costs of issuing a license by using a five-

year planning period); (d) a background check fee equal to the fee charged for a firearms restrictions record search under s. 175.35(2i); and (e) proof of firearms training. Beginning June 1, 2013, the administrative rules reduced the license fee for a concealed weapons license from \$37 to \$30. The background check fee is currently set at \$10 under state statute.

The Department must conduct a background check to determine if an individual is qualified under state and federal law to possess a firearm. The Department must maintain a record of all completed application forms and a record of all approval or nonapproval numbers issued in regards to required background checks.

In order to satisfy the proof of firearms training requirement, among other approved methods, an individual may attend a firearms safety or training course conducted by a firearms instructor who is either certified by a national or state organization that certifies firearms instructors, or who is certified by DOJ. The Department is required to maintain a list of instructors that it certifies.

By rule, in order for a firearms safety or training course to be utilized as proof of training for a concealed carry license, the course must, at minimum, instruct and practice the student's comprehension of: (a) firearm safety rules; (b) safe firearm and ammunition use, handling, transport, and storage; (c) legally permissible possession, transportation, and the use of firearms, including use of deadly force; and (d) techniques for avoiding and controlling violent confrontations. The course must also be instructor-led, which means that it is conducted face-to-face either individually or in groups. The instructor must actively guide students through each lesson, as well as answer

questions, facilitate discussion, and provide feedback on activities and assignments.

The Department must prepare and make available a model training curriculum for firearms instructors who are certified by the Department to use in their firearms safety or training courses. Instructors who are not certified by the Department may also use the model curriculum prepared by DOJ, but they may not represent themselves or their courses as certified or approved by DOJ. As proof of their completion of a firearms safety or training course, an applicant must submit a copy of a document, or an affidavit from the instructor or organization that conducted the course, verifying the applicant's completion of the course. The Department must make available to the public (via DOJ's website) a model certificate which may be used by applicants as proof of their completion of a firearms safety or training course.

The Department is required to issue a concealed weapons license to an individual unless the individual is: (a) not at least 21 years of age; (b) prohibited under federal law from possessing a firearm that has been transported in interstate or foreign commerce; (c) prohibited from possessing a firearm under Wisconsin law; (d) charged with a misdemeanor or felony violation, and as a condition of release the individual is prohibited from possessing a dangerous weapon; (e) on release prior to or after a criminal conviction, and as a condition of release the individual is prohibited from possessing a dangerous weapon; (f) not a Wisconsin resident or military resident; or (g) lacking required proof of firearms training.

Upon receiving an application for a license to carry a concealed firearm, the Department has 21 days to either approve or deny the request. If the Department denies the application, the Department must inform the applicant, in writing, the reason(s) and factual basis for the denial.

A concealed weapons license must contain all of the following on one side: (a) the full name, date

of birth, and residence address of the licensee; (b) a physical description of the licensee, including sex, height, and eye color; (c) the date on which the license was issued; (d) the date on which the license expires; (e) the name of the state; and (f) a unique identification number for each licensee. The reverse side of the concealed weapons license must state the requirement that the licensee must inform DOJ of any address change no later than 30 days after any address change and the penalty for any violation of this requirement. The contents of the concealed weapons license must be included on the physical license in substantially the same way that the contents of a Wisconsin driver's license are included on that physical license. Further, the concealed weapons license must be tamper proof in substantially the same way that a Wisconsin driver's license is tamper proof.

**Ongoing Administration.** If a concealed weapons license is lost, a licensee no longer has possession of his or her license, or a license document is destroyed, unreadable, or unusable, a licensee may submit to DOJ a statement requesting a replacement concealed weapons license along with a \$12 replacement fee. The Department must issue a replacement license document within 14 days of receiving the statement and fee.

The Department is also required to design notice of expiration and license renewal forms. A concealed weapons license is generally valid for a period of five years from the date on which the license is issued unless the license is suspended or revoked. At least 90 days before the expiration date of a concealed weapons license, DOJ is required to mail to the licensee a notice of expiration form and a form for renewing the license. The Department is required to renew the license if, no later than 90 days after the expiration date of the license, the licensee does all of the following: (a) submits the renewal application; (b) submits a statement reporting that the information provided in the renewal application is true and complete to the best of the applicant's knowledge and that the applicant is not disqualified from being licensed

under the criteria outlined above; (c) pays a renewal fee in an amount, as determined by DOJ by rule, that is equal to the cost of renewing the license but does not exceed \$12 (currently the renewal cost is set at \$12); and (d) pays a background check fee equal to the fee charged for a firearms restrictions record search (currently \$10). The Department must also conduct a new background check of the licensee prior to renewing the license. As with the original application, DOJ must either issue the concealed weapons license and send the licensee his or her license by 1<sup>st</sup> class mail, or deny the renewal application within 21 days of receiving a renewal application, the required statement, and fees.

The Department must suspend a concealed weapons license if a licensee is charged with a misdemeanor or felony violation, and, as a condition of release, the individual is prohibited from possessing a dangerous weapon. The Department is required to revoke a concealed weapons license if the licensee is: (a) prohibited under federal law from possessing a firearm that has been transported in interstate or foreign commerce; (b) prohibited under state law from possessing a firearm; (c) on release prior to or after a criminal conviction, and as a condition of release the licensee is prohibited from possessing a dangerous weapon; (d) not a Wisconsin resident; or (e) deficient in providing the required proof of training.

The Department must promulgate rules providing for administrative review of any Department action denying a concealed weapons license application or suspending or revoking a concealed weapons license.

Notwithstanding this administrative review process, any affected applicant or licensee may appeal directly to the circuit court of the county in which the individual resides, regardless of whether the individual has also sought administrative review of the Department action.

By March 1 of each year, DOJ must submit a

statistical report to the Governor and to the Legislature which indicates the number of concealed weapons licenses applied for, issued, denied, suspended, and revoked during the previous calendar year. For licenses denied, the report must indicate the reasons for the denials and the part of the application process in which the reasons for denial were discovered. For licenses suspended or revoked, the report must indicate the reasons for the suspensions and revocations.

The most recent report filed by DOJ to the Governor and the Legislature regarding its administration of the concealed weapon licensure program is for 2021 (Appendix IV).

As of July 1, 2022, DOJ issued 586,957 unique concealed carry license numbers since the inception of the concealed carry program. Of these licenses, 460,051 valid concealed carry licenses were in effect as of July 1, 2022.

**Concealed Weapons Licensee Database.** Every concealed weapons license is required to contain all information that is contained on the concealed weapons license. The Department is required to maintain a computer database containing this information for all individuals issued a concealed weapons license, as well as a listing of all former federal and out of state law enforcement officers issued certification cards to carry a concealed weapon. Neither DOJ nor any employee of the Department may store, maintain, format, sort, or access the information in any way other than by the names, dates of birth, or sex of licensees or individuals, or by the identification numbers assigned to licensees.

The Department is required to provide this information to law enforcement officers for the following purposes: (a) to confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid; (b) to confirm that an individual holds a valid license or certification card if an officer finds the individual carrying a concealed weapon but the individual

is not carrying his or her license document or certification card; and (c) if the requesting law enforcement agency is a Wisconsin law enforcement agency, to investigate whether an individual submitted an intentionally false statement with an application or renewal application for a concealed weapons license. Additionally, the information may be provided to a law enforcement officer if the officer is investigating whether a licensee complied with state law requirements following the receipt of a notice of suspension or revocation of his or her concealed weapons license. A law enforcement officer in a state other than Wisconsin may request and be provided this information to: (a) confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid; and (b) confirm that an individual holds a valid license or certification card if an officer finds the individual carrying a concealed weapon but the individual is not carrying his or her license document or certification card.

To facilitate providing this information to law enforcement officers in the field, the Department has provided access to the concealed carry database through the Wisconsin TIME system.

The Circuit Court Automation Program (CCAP) system is used by the circuit court system to track civil, criminal and delinquency court actions. The CCAP system is a state-funded program under the Supreme Court's Director of State Courts Office. Under current law, CCAP (or the clerk or register in probate if the information is not contained in or cannot be transmitted by CCAP) is required to promptly notify DOJ of the name of any individual with respect to whom any of the following occurred and the specific reason for the notification: (a) the individual is convicted of a felony or any other crime that would disqualify the individual from possessing a concealed weapons license; (b) the individual is found to be incompetent; (c) the individual is found not guilty of any crime by reason of mental disease or defect; (d)

the individual is involuntarily committed for treatment; (e) the individual is subject to a domestic abuse or child abuse injunction; (f) the individual is ordered to not possess a firearm as a part of a harassment injunction; (g) the individual is charged with a misdemeanor or felony violation, and as a condition of release the individual is prohibited from possessing a dangerous weapon; (h) a Wisconsin court has prohibited the individual from possessing a firearm; or (i) the individual is on release prior to or after a criminal conviction, and as a condition of release the individual is prohibited from possessing a dangerous weapon. Upon receiving this information, the Department must immediately determine if the individual who is the subject of the notice is a licensee. If the individual is a licensee and is no longer eligible to carry a concealed weapons license, DOJ must seek revocation or suspension of the license. In order to carry out these provisions, the Department has implemented an interface between CCAP and the concealed weapons database.

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### **Handgun Purchaser Record Check Program**

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**Statutory Authorization.** Under current federal law, states may individually determine whether they will process background checks on purchasers prior to the transfer of handguns and long guns. States processing these background checks must ensure that the guns are not transferred in violation of federal or state law. If a state does not process background checks, either in whole or in part, the FBI processes those background checks not undertaken by the state.

In Wisconsin, the Firearms Unit processes background checks on purchasers of handguns. The FBI continues to be responsible for background checks on purchasers of long guns in Wisconsin. States which process background checks are also authorized to extend their background checks beyond the requirements under federal law.

Wisconsin handgun background checks include a review of databases not routinely searched by the FBI as a part of a federal background search such as CCAP and the DOJ database of juveniles found adjudicated delinquent for an offense that would have been a felony if committed by an adult.

Under s. 175.35 of the statutes, when a firearms dealer sells a handgun in Wisconsin, the dealer may not transfer possession of that handgun until all of the following events occur: (a) the dealer has inspected photographic identification from the purchaser; (b) the purchaser has completed a notification form with the purchaser's name, date of birth, gender, race social security number, and any other identifying information necessary for DOJ to perform an accurate record search; (c) the dealer has submitted the information to DOJ and has requested a firearms restrictions record search; and (d) DOJ has provided the firearms dealer with an approval number notifying the dealer that the firearms restrictions record search has been completed and that the transfer would not be a violation of state or federal law.

In addition to the above requirements, under 2017 Act 145, DOJ must ensure that each notification form requires the transferee to indicate that he or she is not purchasing the firearm with the purpose or intent to transfer a firearm to a person who is prohibited from possession of a firearm.

Prior to the enactment of 2015 Act 22, after selling a firearm to a purchaser, a firearms dealer was required to allow 48 hours to elapse before transferring the possession of a firearm to the purchaser. Effective June 25, 2015, Act 22 eliminated this 48 hour waiting period.

After a firearms dealer requests a firearms restrictions record search on a potential purchaser, DOJ must notify the dealer of the results of the background check as soon after receiving the purchaser's pertinent information as practicable. If the search indicates that the purchaser is not prohibited from possessing a firearm under state

or federal law, the Department must provide the firearms dealer with a unique approval number. If DOJ's search indicates that the purchaser is prohibited from possessing a firearm, DOJ must provide the firearms dealer with a unique nonapproval number. The Department may not disclose to the firearms dealer the reason the purchaser is prohibited from possessing a firearm. Finally, if the search indicates that it is unclear whether the purchaser is prohibited from possessing a firearm and DOJ needs more time to make the determination, DOJ must make every reasonable effort to determine whether the person is prohibited from possessing a firearm and notify the firearms dealer of the results as soon as practicable but no later than five working days after the search was requested. If DOJ is unable to make a final determination within five working days, the dealer may transfer the handgun to the purchaser. Appendix V identifies the state and federal disqualifiers for possession of a handgun.

A \$10 fee is assessed on the dealer (who may pass the charge on to the purchaser) for each background check. Fee revenues are remitted to DOJ and are intended to fund the cost of operating the record check program.

**Program Administration.** The Bureau's handgun purchaser record check program operates a handgun hotline between the hours of 9:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 5:00 p.m. on weekends, so as to be available to receive telephone calls during regular retail hours. The handgun hotline receives telephone requests from handgun dealers. The Bureau also maintains an online application where the handgun dealers can submit a request online. The information provided by the dealers enables Bureau staff to perform the required background checks on handgun purchases.

As a part of the background check approval process, handgun dealers that initiate the request using the toll free telephone number must submit

a duplicate copy of the completed notification form to the Bureau. If the information on the written notification forms confirms the information that was provided to the Bureau during the initial telephone call, the background check can normally be completed, based on information that was provided in the initial telephone contact to the Bureau. If the data on the written notification forms contains new information, additional limited or more involved follow-up review may be required before the purchase can be approved. Where an initial telephone inquiry or a subsequent follow-up review discloses a disqualification that would bar handgun ownership, the purchase request is denied.

The handgun hotline completed 183,478 background check requests from dealers in 2021-22. Table 5 indicates the disposition of these background checks during 2021-22.

**Table 5: Disposition of Handgun Hotline Background Checks (2021-22)**

	Calls
Instant Approvals	12,044
Follow-ups approved	169,232
Denials	<u>2,202</u>
Total	183,478

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**Funding for the Concealed Weapons  
Licensure and the Handgun Purchaser  
Record Check Programs**

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Under 2013 Act 20, funding for the concealed carry licensure program and the handgun purchaser record check program were combined into one continuing program revenue appropriation (s. 20.455(2)(gr)). The funding for this appropriation is supported by the fees associated with these programs, which include: (a) a \$10 fee charged to firearm dealers for record checks on potential firearm purchasers; (b) a \$12 fee charged to former federal and out of state law enforcement officers

who wish to be issued or renew a certification card to allow them to carry a concealed weapon; (c) a \$30 application fee charged to members of the general public who wish to be issued a license to carry a concealed weapon; (d) a \$10 background check fee charged to members of the general public who wish to be issued a license to carry a concealed weapon; (e) a \$12 fee charged to concealed carry license holders who need to replace their lost or destroyed license; (f) a \$12 fee charged to concealed carry license holders who seek to renew their license; and (g) a \$10 background check fee charged to concealed carry license holders who seek to renew their license. The Department is authorized to utilize the revenue generated from these fees to administer services relating to: (a) background checks on individuals purchasing handguns; (b) certification cards for former federal and out of state law enforcement officers seeking to carry concealed; and (c) licensure to carry concealed for the general public.

Table 6 identifies the condition of the concealed carry and handgun purchaser record check appropriation from 2019-20 through 2021-22. In 2022-23, the Department estimates that fees associated with the two programs will generate \$3,500,000 (\$2,224,000 from the concealed carry program and \$1,576,000 from the handgun purchaser record check program). Estimated revenues are expected to decrease in 2022-23 since individuals may not need to renew their concealed carry licenses, which expire after five years, until 2026-27. The Department estimates that it will expend approximately \$4,500,000 from the appropriation in 2022-23 to support the two programs.

**Table 6: Fund Condition of the Concealed Carry and Handgun Purchaser Record Check Appropriation [20.455(2)(gr)], 2019-20 thru 2021-22**

	2019-20	2020-21	2021-22
Opening Balance	\$1,346,500	\$1,915,900	\$3,689,400
Revenue	4,135,900	6,961,900	5,358,200
Expenditures	<u>3,566,600</u>	<u>5,188,400</u>	<u>4,771,400</u>
Ending Balance	\$1,915,900	\$3,689,400	\$4,276,200

As workload associated with the concealed carry licensure program and handgun purchaser record check program has fluctuated in recent years, the Joint Committee on Finance, acting under s. 16.515/505(2) of the statutes, has continued to extend existing project positions within DOJ's Firearms Unit, and create new positions for the

Unit, based on available cash balances within the programs. As of July 1, 2022, the appropriation supporting the concealed carry and handgun purchaser record check programs supported 27 full-time equivalent positions (not including an assistant attorney general position and Bureau of Computing Services positions).

Three state crime laboratories, located in Madison, Milwaukee, and Wausau, comprise the Department's Division of Forensic Sciences. The Madison Crime Laboratory was created by the Legislature in 1947; the Milwaukee Crime Laboratory was opened in 1975; and the Wausau Crime Laboratory began operations in 1991.

In April, 2019, DOJ created the Division of Forensic Sciences (DFS). Previously, the three crime laboratories made up the Wisconsin State Crime Laboratory Bureau within the Division of Law Enforcement Services (DLES) at DOJ.

The state crime laboratories are responsible for providing scientific and technical assistance to state and local law enforcement agencies, upon their request. The budget in 2022-23 for the state crime laboratories (less amounts budgeted for deoxyribonucleic acid (DNA) analysis) totals \$14,835,200 (all funds) and 99.4 positions. The state crime laboratories' funding is comprised of \$5,780,800 GPR and \$9,054,400 PR, as well as 20.3 GPR and 79.1 PR.

The 2022-23 budget for DNA analysis totals \$11,706,100 (all funds) and 79.0 positions. The DNA analysis funding is comprised of \$4,642,800 GPR and \$7,063,300 PR, as well as 38.0 GPR and 41.0 PR positions.

The state crime laboratories' program revenue-supported budget (including amounts budgeted for DNA analysis) is funded from a variety of sources: (a) the crime laboratory and drug law enforcement surcharge and the DNA surcharge (\$7,227,900 and 60.1 positions); (b) criminal history search fees (\$1,719,300 and 19.0 positions); and (c) penalty surcharge revenues (\$107,200).

A \$13 crime laboratory and drug law enforcement surcharge is applied if a court imposes a sentence, places a person on probation, or imposes a forfeiture for most violations of state law or municipal or county ordinance. Additionally, a court must impose a DNA surcharge when it either imposes a sentence or places a person on probation for committing a felony or misdemeanor. The DNA surcharge is \$250 for each felony conviction and \$200 for each misdemeanor conviction.

Criminal history search fees, described in Chapter 1, are imposed whenever DOJ receives a request for a non-criminal justice search of the criminal history database.

The penalty surcharge is imposed whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance. The penalty surcharge equals 26% of the total fine or forfeiture.

Under 2019 Act 9, additional positions and funding were provided including \$200,500 GPR and \$108,000 PR in 2019-20 and \$267,300 GPR and \$146,600 PR in 2020-21, and 6.4 GPR and 2.6 PR DNA analyst positions annually for operations at the state crime laboratories to increase services provided to the criminal justice system. Further, under 2021 Act 58, one time funding of \$455,000 PR was provided to support the purchase of additional instrumentation for toxicology testing.

In 2021-22, the crime laboratories and drug law enforcement surcharge and DNA surcharge fund concluded the fiscal year with a balance of \$8,063,800. The Department estimates that the crime laboratory and drug law enforcement surcharge fund will close the 2022-23 state fiscal year

with a cumulative balance of \$8,013,600.

**Statutory Authorization.** Under s. 165.75(3)(a) of the statutes, the purpose of the state crime laboratories is to "provide technical assistance to local law enforcement officers in the various fields of scientific investigation in the aid of law enforcement. ...[T]he laboratories shall maintain services and employ the necessary specialists, technical and scientific employees for the recognition and proper preservation, marking and scientific analysis of evidence material in the investigation and prosecution of crimes in such fields as firearms identification, the comparison and identification of toolmarks, chemistry, identification of questioned documents, metallurgy, comparative microscopy, instrumental detection of deception, the identification of fingerprints, toxicology, serology and forensic photography."

Employees of the state crime laboratories may undertake an investigation of criminal conduct only upon the request of a sheriff, coroner, medical examiner, district attorney, chief of police, warden or superintendent of any state prison, state agency head, the Attorney General or the Governor. Following such a request, the laboratories must collaborate fully in the complete investigation of criminal conduct and bring to bear the full range of their forensic skills. These efforts may involve field investigations at the scene of the crime. The Madison, Milwaukee and Wausau crime laboratories have a Crime Scene Response Unit (CSRU) which provides 24 hour/seven days a week crime scene investigation assistance to law enforcement agencies at major violent crime scenes and autopsy examinations investigations. The CSRUs primarily respond to three types of scenes: homicides; officer-involved shootings; and clandestine grave sites. In 2021-22, the CSRUs responded to 155 requests for assistance by law enforcement. In addition to responding to requests for assistance, the CSRUs also provide training to local officers in crime scene investigation techniques.

The Department is authorized to decline laboratory services in any case that does not involve a potential felony charge. The state crime laboratories generally do not accept misdemeanor cases.

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## State Crime Laboratory Operations

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Appendix VI identifies the geographic areas of the state served by each crime laboratory. Below is a list of services provided by the state crime labs:

1. *Drug Identification.* A combination of different tests may be performed on an unknown material until the analyst can identify or eliminate the presence of any controlled substance, narcotic, pharmaceutical, or other ingredient. Controlled substances are those compounds prohibited under Chapter 961 of the statutes. Drug identification services are provided by the Madison, Milwaukee, and Wausau crime labs.

2. *Toxicology.* An analysis of bodily specimens may be undertaken for the presence of chemicals that are harmful or for which ingestion is in some way defined as a criminal offense. The laboratory identifies and quantifies the amount of drugs, alcohol, and poisons in biological samples such as blood, urine, or tissue. Full toxicology services are provided by the Madison and Milwaukee crime labs. The Wausau crime lab provides toxicology services only as it relates to blood alcohol content. For other toxicological services, the region is served by the Madison crime lab.

3. *Trace Evidence.* A comparison and identification of trace evidence may be undertaken. This includes such substances as paints, soil, plastics, glass, metals, insulation, arson accelerants, explosives, and fibers. During a crime, negligible amounts of such materials may be transferred from one surface to another. By linking the transferred

material back to its original source, a suspect may be linked back to the crime scene. The Milwaukee crime lab provides trace analysis services for the entire state.

4. *DNA/Serology*. This type of analysis involves the identification and characterization of biological materials, including blood, semen and other body fluids. Except for identical twins, each individual's genetic profile is unique. The genetic profile of a suspect developed from submitted biological material may be compared to the genetic profile developed from biological material collected from a crime scene to link a suspect to a crime. DNA/serology analysis services are provided by the Madison and Milwaukee crime labs. The Wausau crime lab region is served by Madison crime lab.

5. *DNA Databank*. The DNA Databank stores DNA profiles from samples on all convicted offenders and, beginning on April 1, 2015, the profiles of certain individuals arrested for violent felonies. The state system is connected to the national system to help identify suspects when unknown DNA is found at a crime scene. The DNA databank is located at the Madison crime laboratory, however it includes DNA profiles from samples which were analyzed and catalogued at the Milwaukee crime laboratory.

6. *Firearms/Toolmarks*. This activity involves the: examination of firearms and ammunition, as well as toolmarks and suspect tools; serial number restoration; and distance determination tests. To determine whether a firearm recovered in the case was the firearm that fired the bullets and cartridge cases that have been recovered, the laboratory compares the recovered bullets and cartridge cases with laboratory fired bullets and cartridge cases from the suspected firearm. A subsequent microscopic examination permits a final determination to be made. Recovered firearms and cartridges may also be compared to other firearms cases in the Midwest through the use of the National Integrated Ballistic Information Network

(NIBIN) computer system. The Milwaukee crime lab provides firearms analysis services for the entire state.

7. *Latent Prints/Footwear*. This activity involves an analysis to determine the presence of fingerprints, palm prints, or footprints and the comparison of such prints to establish identity. Fingerprint and footprint identification services are provided by the three crime labs.

8. *Photo Work Orders*. This casework is submitted directly from local law enforcement agencies and typically involves still or video photography services. Casework can include making copies of videos to protect the original from damage and capturing and enhancing individual "still" images from a video. Photo work order services are provided by each of the crime labs.

9. *Forensic Imaging*. The forensic imaging unit in the state crime laboratories also provides support for the work of other crime laboratory units. These services include specialized forensic photography support using black and white, color, ultraviolet, digital, infrared and infrared luminescence techniques. These images are typically utilized to: (a) record the condition of an item of evidence at the time of receipt; (b) document the location and condition of items of interest (for example, recording the condition of a crime scene); and (c) recording the results of analytical investigation (for example, producing fingerprint or palm print images). Forensic imaging services are provided by the three crime labs.

The three state crime laboratories are currently authorized the following types of specialists (excluding specialists for DNA analysis): (a) fingerprint and footwear examiners; (b) controlled substance analysts; (c) forensic program technicians; (d) toxicologists; (e) forensic imaging specialists; (f) firearms and toolmark examiners; (g) trace evidence examiners; (h) forensic science training coordinators; and (i) identification technicians. In addition to these specialist positions, additional

supervisory and support positions include forensic scientist supervisors, office associates, forensic science program chiefs, justice supervisors, a crime laboratory director, information services personnel, and an executive staff assistant.

The state crime laboratories are also authorized positions for DNA analysis activities. These positions include: (a) DNA analysts; (b) forensic scientist supervisors; and (c) forensic program technicians.

Table 7 identifies the caseload of the state crime laboratory analysts during 2021-22. The table also identifies the number of DNA samples received and leads report. Many cases referred to the state crime laboratories require more than one type of analysis.

**Table 7: Analyst Caseloads in 2021-22**

<u>Case Type</u>	<u>Case Intake</u>	<u>Case Output</u>
Controlled substances	4,430	3,522
DNA analysis	3,612	3,526
Toxicology	4,073	4,078
Latent Prints	1,000	963
Firearms	437	399
Photo work order	470	489
Trace evidence	95	87
Crime scene response	155	155
Forensic imaging	84	71
Footwear or tire track	18	19
Toolmarks	7	12
	<u>Samples Received</u>	<u>Leads Reported</u>
DNA databank	20,736	882

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### DNA Collection, Analysis, Data Storage and Usage

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The analysis of DNA evidence at crime scenes has become an increasingly important forensic tool for law enforcement agencies.

Individuals who, after January 1, 2000, have either been found guilty of a felony or are in prison for any felony committed in this state and individuals committed as sexually violent persons must submit a biological sample. Individuals who have been found guilty of a misdemeanor on or after April 1, 2015, must submit a biological sample for DNA analysis. Adults who are arrested for or charged with a felony defined as a violent crime must submit a biological sample for DNA analysis. Appendix VII identifies the offenses which, under s. 165.84(7) of the statutes, constitute a violent crime for the purpose of biological sample submission.

Juveniles who have been adjudicated delinquent on the basis of a violation that would be a felony if committed by an adult in this state must submit a biological specimen for DNA analysis. In addition, juveniles who have been adjudicated delinquent for an act that, if committed by an adult in this state, would constitute a violation of any of the following misdemeanors must submit a biological sample: (a) fourth-degree sexual assault; (b) endangering safety by use of a dangerous weapon; (c) lewd or lascivious behavior; (d) prostitution; (e) patronizing prostitutes; (f) pandering; (g) failure to submit a required biological sample; and (h) exposing genitals, pubic area, or intimate parts. Juveniles who are taken into custody or before a court for committing an offense which would constitute a felony violent crime if committed by an adult must submit a biological sample. Appendix VII identifies the offenses which constitute a violent crime for the purpose of biological sample submission.

Individuals who have been placed in institutional care or found not guilty by reason of mental disease or defect as a result of committing an offense which would constitute a felony must also submit a biological sample for DNA analysis. Additionally, those placed in institutional care or found not guilty by reason of mental disease or defect as a result of committing any of the following misdemeanor violations must submit a

biological sample: (a) failure to submit a required biological specimen; (b) fourth-degree sexual assault; (c) lewd or lascivious behavior; and (d) exposing genitals, pubic area, or intimate parts.

Those who are on parole, extended supervision, or probation in another state, but are supervised in Wisconsin for a violation in the other state that the Department of Corrections determines would constitute a felony if committed in Wisconsin must submit a biological sample for DNA analysis. Finally, the courts may order an individual to submit a biological sample if the individual is before the court for certain crimes or the court determines that a biological sample was not collected from an individual who is required under statute to submit a sample.

After biological specimens are submitted, the specimens are sent to the state crime labs for DNA analysis. Biological samples collected as a result of one of the reasons discussed above (except, as discussed below, if the biological specimen is obtained from an individual at arrest, or when a juvenile is taken into custody, for a violent crime) are analyzed by the crime laboratories. The crime laboratories enter the data obtained from the DNA analysis into the DNA databank. The laboratories may compare the data obtained from one specimen with data obtained from other specimens. The laboratories may also make the data obtained from the analysis available to those in connection with criminal or delinquency investigations, including law enforcement agencies, prosecutors, defense attorneys, and the subject of the data.

Law enforcement officers and tribal law enforcement officers must collect a biological specimen from individuals arrested or taken into custody for committing a felony violent crime (or for a juvenile offense that would be a felony violent crime if committed by an adult) and submit the biological specimen to the state crime laboratories in a manner specified by DOJ by rule. Biological specimens collected from arrested individuals (or

juveniles taken into custody) are only analyzed and included in the DNA databank if, within one year of the date the biological sample was submitted to the state crime laboratory, the court has notified the crime laboratory that one of the following applies: (a) the individual was arrested, or the juvenile was taken into custody, pursuant to a warrant; (b) the court has made a finding that there is probable cause that the individual committed a violent crime, or that the juvenile committed an offense that would be a violent crime if committed by an adult; (c) the individual failed to appear at the initial court appearance or preliminary examination, or the individual waived the preliminary examination; or (d) the individual failed to appear for a delinquency proceeding under Chapter 938 of the statutes (Juvenile Justice Code). If one year passes and the court has not notified the crime laboratory that one of preceding conditions applies, then the crime laboratory must destroy the biological sample.

In addition to analyzing biological specimens submitted as a requirement under state law, the crime laboratories must analyze the DNA in human biological specimens that are provided pursuant to any of the following requests: (a) a law enforcement agency regarding an investigation; (b) a defense attorney regarding his or her client's specimen, pursuant to a court order; and (c) an individual regarding his or her own specimen, subject to rules established by the Department. The laboratories may compare the DNA data from the provided specimen with data obtained from other specimens. The laboratories may also make this data available to those in connection with criminal or delinquency investigations, including law enforcement agencies, prosecutors, defense attorneys, and the subject of the data. The data obtained from one of these provided specimens may be used in a criminal or delinquency proceeding. However, the DNA data obtained from a specimen provided pursuant to one of the requests enumerated above may not be included in the DNA databank.

Individuals whose DNA data is stored in the DNA databank may have the data expunged if any of the following conditions are satisfied: (a) all convictions, findings, or adjudications for which the person was required to submit a biological specimen have been reversed, set aside, or vacated; (b) if the individual was required to provide a biological sample for being arrested or charged with a violent crime, then either: (1) all charges for which the person was required to provide the biological specimen have been dismissed; (2) the trial court adjudged the individual not guilty on all charges for which the person was required to provide a biological specimen; (3) at least one year has passed since the arrest and the individual has not been charged with a violent crime in connection with the arrest; or (4) the person was adjudged guilty of a violent crime, and all such convictions for a violent crime have been reversed, set aside, or vacated; and (c) if the individual is a juvenile and the juvenile was required to submit a biological specimen because he or she was taken into custody or before a court for an offense which would be considered a violent crime if committed by an adult, then either: (1) all criminal complaints or delinquency petitions that allege the juvenile committed an offense which would be considered a violent crime if committed by an adult have been dismissed; (2) the juvenile was neither convicted nor adjudged delinquent by a trial court on all violations that would be considered a violent crime if committed by an adult; or (3) at least one year has passed since the juvenile was taken into custody and no criminal complaint or delinquency petition has been filed alleging that the juvenile committed a violation, in connection with the juvenile being taken into custody, that would be a violent crime if committed by an adult. If DOJ determines that any of the conditions enumerated above have been satisfied, and the individual sends DOJ a written request for expungement and any other documentation DOJ requires by rule,

then the laboratories must purge all records and identifiable information in the data bank pertaining to the individual, as well as destroy all samples from the person.

As of July 1, 2022, there were 358,611 DNA profiles in the state's convicted offender database, comprised of 334,894 offender profiles and 23,717 arrestee profiles. "Casework" DNA profiles are developed from biological specimens from crime scenes that are not tied to a specific individual. As DNA profiles are added to the convicted offender DNA database, DOJ is increasingly able to match "casework" DNA profiles with either known profiles in the convicted offender DNA database or with other "casework" profiles in the casework index. As of July 1, 2022, there were 24,756 casework DNA profiles in the state database.

The convicted offender DNA database and the casework DNA profiles have become increasingly effective crime-solving tools. In calendar year 2021, there were 841 matches or "hits." Of these 841 hits, there were 800 instances of hits that matched unknown profiles with known convicted offender profiles and 41 instances of hits that involved evidentiary profiles matching evidentiary profiles derived from different cases.

Collection of biological submissions from violent felony arrestees began on April 1, 2015. In 2021, the state crime labs received 4,706 biological sample submissions from violent felony arrests and felony and misdemeanor conviction collections. As discussed above, prior to analyzing a biological sample stemming from a violent felony arrest, the state crime labs must ensure that the necessary statutory requirements are met (for example, that probable cause for the arrest existed or that the crime for which the arrest was made is defined as a violent felony under state statute).

*LAW ENFORCEMENT ACTIVITIES OF THE DEPARTMENT OF JUSTICE*

Various provisions of the Wisconsin Statutes require DOJ to become involved in active law enforcement activities. Under s. 165.50 of the statutes, DOJ is required to investigate crime that is statewide in nature, importance or influence, and to conduct arson investigations.

Further, the Department is specifically authorized to enforce Chapter 108 of the statutes (Unemployment Insurance and Reserves), and selected statutory provisions regulating or prohibiting the following: (a) prostitution; (b) illegal gambling; (c) smoking; and (d) carrying carry concealed weapons.

Finally, under s. 165.70 of the statutes, DOJ is authorized to investigate and enforce selected statutory provisions regulating certain conduct or prohibiting certain crimes that are statewide in nature, importance, or influence. These provisions include: (a) prostitution; (b) illegal gambling; (c) controlled substances; (d) battery or intimidation of jurors and witnesses; (e) machine guns; (f) extortion; (g) usurious loans; (h) loan sharking; (i) obstruction of justice; (j) arson; and (k) use of a computer to facilitate a child sex crime. With respect to these latter provisions under s. 165.70, the statutes stipulate that it is not the intent to deprive local law enforcement of its concurrent power and duty to enforce these provisions.

The statutes generally provide DOJ agents the powers of peace officers in carrying out these responsibilities. Under s. 939.22(22) of the statutes, a peace officer is defined as "any person vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes."

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**Law Enforcement Activities of the  
Division of Criminal Investigation**

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The Department of Justice's Division of Criminal Investigation (DCI) is charged with the responsibility of carrying out and meeting the statutory law enforcement obligations of the Department. In addition, in representing the state, or any state department, agency, official, employee or agent, the Department's Division of Legal Services may utilize the investigative expertise of DCI. Finally, DCI will also provide investigative assistance to local law enforcement, when requested, to help solve serious crimes.

The budget for the Division in 2022-23 is \$23,952,500 (all funds) and 157.15 positions. The Division is organized into four bureaus: the Field Operations Bureau Eastern Region, the Field Operations Bureau Western Region, the Special Operations Bureau, and the Human Trafficking Bureau. The narcotics enforcement activities of the Division are separately budgeted, but narcotics enforcement is a part of the Field Operations Bureaus. The internet crimes against children task force unit is also separately budgeted but elements of the unit report to both the Field Operations Bureaus and the Special Operations Bureau. Dedicated funding from tribal gaming and lottery fund revenues support the gaming investigations program, but the gaming investigations program is a part of the Special Operations Bureau. In 2015-16, the DOJ created the Special Investigation Bureau to provide management of officer involved death investigations and other programs requiring heightened awareness and coordination, as well as

management of public records compliance for all investigations conducted by DCI.

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### **Field Operations Bureaus -- Narcotics Enforcement**

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The Field Operations Bureaus are responsible for carrying out the Division's narcotics enforcement effort. The budget for narcotics enforcement in 2022-23 totals \$7,008,500 (all funds) and 32.5 positions. Funding is comprised of \$2,131,200 GPR, \$3,901,400 PR, and \$975,900 FED, supporting 16.0 GPR, 15.0 PR and 1.5 FED positions. Narcotics enforcement staff consists of special agents, criminal analysts, and supervisory and support personnel.

The program revenue-funded budget for narcotics enforcement is provided from the \$13 crime laboratory and drug law enforcement surcharge and the DNA surcharge (\$780,300 and 1.0 positions), as well as the penalty surcharge (\$2,270,000 and 13.0 positions). The \$13 crime laboratory and drug law enforcement surcharge is applied if a court imposes a sentence, places a person on probation, or imposes a forfeiture for most violations of state law or municipal or county ordinance. A court imposes the DNA surcharge either when it imposes a sentence or places a person on probation. The DNA surcharge is \$250 for each felony conviction and \$200 for each misdemeanor conviction.

The penalty surcharge is imposed whenever a court imposes a fine or forfeiture for most violations of state law or municipal or county ordinance. The penalty surcharge equals 26% of the total fine or forfeiture.

In 2021-22, the crime laboratory and drug law enforcement surcharge and DNA surcharge fund concluded the fiscal year with a positive balance

of \$8,063,800. The Department estimates that the crime laboratory and drug law enforcement surcharge fund will close the 2022-23 state fiscal year with a cumulative balance of \$8,013,600.

**Statutory Authorization.** Under s. 165.70 of the statutes, the Department is charged with enforcing the Uniform Controlled Substances Act (Chapter 961 of the statutes) for violations that are statewide in nature, importance or influence. Further, s. 165.72 of the statutes provides that DOJ must maintain a single toll-free telephone number during normal retail business hours where persons may provide anonymous tips regarding suspected controlled substances violations and where pharmacists may report suspected controlled substances violations. The Department of Justice is required to cooperate with the Department of Public Instruction in publicizing the use of this toll-free telephone number in the public schools.

**Program Administration.** The Field Operations Bureaus administer a statewide drug enforcement program to stem the flow of drugs into and within the state. The Bureaus participate in cooperative anti-drug efforts with local, state, and federal law enforcement agencies by providing investigative assistance.

*Organized Crime Drug Enforcement Task Force.* The Bureaus participate in the federal Organized Crime Drug Enforcement Task Force. This task force is a program administered by the United States Attorneys' Offices in both the Eastern District and the Western District of Wisconsin. The task force targets organized high-level drug trafficking groups. State and local agencies investigating high-level drug traffickers apply to the United States Attorney for task force funding. Task force funding ordinarily pays for overtime, travel and other expenses related to drug investigations. The task force made 67 prosecution referrals in 2021-22.

*Wisconsin High Intensity Drug Trafficking*

*Area Task Force.* The Bureaus are also involved in the Wisconsin High Intensity Drug Trafficking Area Task Force (HIDTA). The goal of this multi-jurisdictional task force is to apply enhanced intelligence processes, as well as a high level of enforcement, coordination, and prosecution to reduce organized drug distribution, drug-related violent crime, and money laundering.

The enforcement component of Wisconsin HIDTA consists of three investigative bodies: (a) the Heroin Initiative; (b) the Drug Gang Task Force; and (c) the Interdiction Initiative. The Heroin Initiative, supervised by a DCI special agent in charge, investigates high level heroine drug trafficking organizations in the Wisconsin HIDTA region. The Drug Gang Task Force is a multi-agency initiative supervised by the Milwaukee Police Department. The Drug Gang Task Force focuses on the identification, infiltration, disruption, and dismantling of violent street gangs involved in drug trafficking in the Milwaukee area. Finally, the Interdiction Initiative coordinates regional enforcement efforts with law enforcement agencies throughout southeastern Wisconsin in an attempt to intercept the transportation of controlled substances and currency into, out of, and through the Wisconsin HIDTA area of responsibility.

The Heroin Initiative made 28 arrests in 2021-22. The Drug Gang Task Force made 45 arrests in 2021-22. Finally, the Interdiction Initiative made 17 arrests in 2021-22.

*Cannabis Enforcement and Suppression Effort.* The Field Operations Bureaus coordinate the Cannabis Enforcement and Suppression Effort (CEASE), which is a law enforcement program directed at the reduction of cultivated and non-cultivated marijuana and marijuana demand. The CEASE program supports federal, state, and local law enforcement efforts to curb marijuana cultivation, distribution, and use. The primary goal of the program is to augment local law enforcement efforts in locating indoor and outdoor marijuana grow operations and arresting those responsible.

The program also supports efforts to eradicate wild marijuana. The CEASE program informs the public on issues related to marijuana legalization efforts and educates citizens and youth about the dangers associated with marijuana and illegal drug use in general. Program management for CEASE compiles statewide statistics and intelligence data. Program management also distributes funds, equipment, and information to be used for the investigation and eradication of domestic marijuana grow operations. Reports on CEASE activity are prepared and forwarded to the U.S. Drug Enforcement Administration and law enforcement agencies throughout Wisconsin. The Field Operations Bureaus provides training and equipment to local law enforcement agencies throughout the state for their marijuana eradication efforts, and reimburses local agencies for pre-approved overtime expenses involving marijuana eradication efforts. The CEASE program made 112 arrests in 2021-22. Under the CEASE program, 76 marijuana grow operations were destroyed in 2021-22.

*Methamphetamine Laboratories.* The Department of Justice has identified as a significant challenge the proliferation of methamphetamine laboratories, particularly in northwestern Wisconsin.

To combat the spread of methamphetamine laboratories, the Department coordinates a group of certified law enforcement officers to investigate clandestine laboratories. This multi-jurisdictional team is comprised of 33 DCI Special Agents and 51 local officers representing 36 agencies.

The Field Operations Bureaus identified and decommissioned 11 laboratories in 2021-22. In 2021-22, DOJ opened 114 methamphetamine-related cases and closed 147 cases.

*Drug Tipline and Pharmacy Hotline.* Section 165.72 of the statutes requires the Department of Justice to operate both the drug tipline and the pharmacy hotline from the same toll-free telephone number. All calls made to this telephone

number are received by the Dane County Public Communications Center, which operates the tipline and hotline under contract with DOJ.

*Training.* The Field Operations Bureaus provides specialized training to certified law enforcement officers. Topics include search and seizure law, execution of search warrants, undercover activity, surveillance, consent searches, and the latest drug trends throughout the state. The Bureaus also provide training to communities around Wisconsin on heroin awareness. In 2021-22, the Bureaus provided one 64-hour drug investigation school that was attended by 64 investigators, as well as 38 drug presentations that were attended by 2,041 attendees.

*Bureaus Caseload.* In 2021-22, the Bureaus opened 116 narcotics cases and closed 133 narcotics cases. The Field Operations Bureaus are generally the lead agency in these cases.

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## **Internet Crimes Against Children Task Force**

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The Internet Crimes Against Children (ICAC) task force unit at DOJ is responsible for investigating Internet crimes against children in conjunction with other law enforcement partners in the Internet Crimes Against Children Task Force. The budget for the ICAC Unit at DOJ in 2022-23 is \$5,375,500 (all funds) and 38.6 positions. The unit's total funding is comprised of \$4,288,800 GPR, \$829,300 PR, and \$257,400 FED, supporting 35.6 GPR, 1.0 PR, and 2.0 FED positions. The unit's program revenue-funded budget is supported by the \$13 crime laboratory and drug law enforcement surcharge and the DNA surcharge.

The Wisconsin ICAC task force was created in 1998 with federal funding to counter the threat of offenders using online technology to sexually

exploit children. The task force conducts investigations, provides investigative, forensic and prosecutorial assistance to police agencies and prosecutors, encourages statewide and regional collaboration, and provides training for law enforcement, prosecutors, parents, teachers, and other community members. The task force also coordinates with the Wisconsin Clearinghouse for Missing and Exploited Children to provide support services to children and families that have experienced victimization. As of August, 2022, there were 309 law enforcement agencies, including DOJ, participating in the Wisconsin ICAC task force.

Internet crimes against children cases generally fall into four broad categories: (a) investigations of cyber-tips received from individuals and Internet service providers through the National Center for Missing and Exploited Children; (b) online child enticement investigations; (c) "peer-to-peer" investigations; and (d) cases involving other law enforcement agencies. In 2021-22 the ICAC task force opened 4,049 ICAC investigations. The Division took the lead on 595 investigations in 2021-22.

All 309 law enforcement agencies participating in the Wisconsin ICAC task force have a capacity to conduct "reactive" ICAC investigations, responding to tips or information that an Internet crime against a child may have occurred. In addition, many of these agencies can also conduct "proactive" investigations, such as peer-to-peer investigations and online child enticement investigations.

In 2000, Congress mandated that all internet service providers register and report any child pornography on their servers to the cyber-tiplines program at the National Center for Missing and Exploited Children. In 2021-22, the Wisconsin ICAC task force received 6,344 cyber tips from the National Center for Missing and Exploited Children. From these cyber tips, a total of 3,298 tips resulted

in investigation by DOJ (901 tips) or were referred to affiliate law enforcement agencies (2,397 tips). When the ICAC task force receives multiple cyber tips involving the same suspect, these cyber tips are consolidated into a single case for subsequent follow-up by DOJ or affiliated law enforcement agencies.

Online child enticement investigations involve investigations of chat rooms and other web-based communication sites to identify adults who want to meet children for the purpose of engaging in sexual activity, or adults who are willing to make their children available for adult sexual contact. These investigations also include cases in which adults direct obscenity towards minors. In 2021-22, the entire ICAC task force opened 191 child enticement investigations of which, DOJ special agents initiated eight of these cases.

"Peer-to-peer" investigations identify the illegal sharing of child pornography images and videos over the Internet. Department of Justice staff indicates that the current electronic statistical system for the ICAC task force does not permit the Department to identify the number of cases opened by the whole task force that can be attributed to "peer-to-peer" investigations. In 2021-22, DOJ special agents initiated six peer-to-peer investigations.

Finally, cases involving other law enforcement agencies include: (a) child exploitation initiatives with other law enforcement agencies, such as following up on customer information from web-based companies identified as illegally trafficking images of child pornography; (b) assisting local law enforcement agencies with investigations of Internet-based or other child exploitation cases; and (c) assisting other ICAC task forces around the country.

In 2021-22, the Wisconsin ICAC task force made 447 arrests. Of the 447 arrests made by the Wisconsin ICAC task force in 2021-22, 76 arrests

were made by DOJ special agents. The Department staff indicates that it does not currently have an electronic reporting system that would permit it to report the case types to which these arrests could be attributed, either for the ICAC task force as a whole or for DOJ.

Department staff further indicates that its electronic statistical analysis system does not currently permit it to provide data on annual ICAC case closings.

Digital forensic analysis is an important element to the successful prosecution of ICAC cases. Criminal analysts are responsible for conducting on-site forensic previews of evidence and subsequently developing the evidence more thoroughly in the laboratory. The analysis involves: (a) the creation of a duplicate image of relevant evidence; (b) an examination of all relevant computer files; and (c) restoring information pertinent to the investigation. Department staff indicates that this work can be laborious often due to the large volume of data involved in ICAC investigations. In 2021-22, the ICAC task force conducted forensic ICAC examinations of 544 hard drives and 913 cell phones for a total of 205 terabytes examined.

Criminal analysts in the DOJ ICAC Digital Forensics Unit investigate crimes committed using the computer and analyze information contained in electronic formats. The personnel in this unit are trained to conduct forensic analysis of digital evidence. These cases include Internet crimes against children cases, audio and video enhancements, cell phone forensics, and other digital evidence and technical assistance cases. In 2021-22, DOJ criminal analysts opened 876 cases and closed 817 cases. Forensic ICAC cases are opened separately from criminal investigations initiated by the Wisconsin ICAC task force. Forensic ICAC cases are opened for the specific purpose of conducting forensic examinations of electronic devices. One forensic ICAC case is designated for the total number of devices submitted in a case.

When the Wisconsin ICAC task force was first created, DOJ did not have full-time special agents to address its ICAC caseload. Instead, the ICAC caseload was addressed by special agents who worked overtime. The Department first retained dedicated full-time staff to work ICAC investigations in 2000. The Department utilized federal funding to hire a full-time special agent. In addition, DOJ: (a) reallocated a program and planning analyst position to the ICAC unit; and (b) trained a special agent in its technical services unit to conduct computer forensic examinations.

To further Wisconsin's ability to investigate internet crimes against children, the Legislature passed 2015 Act 369 which, among other provisions, allowed the Attorney General or his or her designee the authority to issue an administrative subpoena on an electronic communication service or remote computing service (more commonly, an Internet service provider) to compel the production of the name, address, and duration of the assignment of any Internet protocol (IP) address of a customer or subscriber. The Attorney General or his or her designee does not require a court's approval to issue an administrative subpoena. However, a person served with an administrative subpoena may petition a circuit court in the county where the subpoena was issued for an order to modify or quash the subpoena or to prohibit disclosure of information. Further, the Attorney General's administrative subpoena authority is limited by the following conditions: (a) the information likely to be obtained is relevant to an ongoing investigation of an Internet crime against a child; and (b) the Attorney General or his or her designee has reasonable cause to believe that an Internet or electronic service account provided by an electronic communication service or remote computing service has been used in the crime.

Under 2019 Act 9 an additional \$42,300 PR in 2019-20 and \$56,400 PR in 2020-21 and 1.0 PR position annually was provided for ICAC. Funding is supported by a transfer of revenue from

the crime laboratory and drug law enforcement surcharge and the DNA analysis surcharge. Further, an additional \$750,000 PR annually provided for ICAC activities under 2017 Act 59 on a one-time basis was made permanent under 2021 Act 58.

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### **Special Operations Bureau -- Gaming Investigation Program**

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The budget for the gaming investigation program in 2022-23 is \$577,600 (all funds) and 3.4 positions. The program's total funding is comprised of \$120,400 PR and \$457,200 SEG, supporting 0.65 PR and 2.75 SEG positions. The program's staff consists of a director and 2.4 special agents.

The program's PR-funded budget is supported by tribal gaming revenues. The program's SEG-supported operations are funded from lottery fund revenues.

**Statutory Authorization.** The Department has enforcement responsibilities relating to bingo control, crane games, racing and pari-mutuel wagering, the lottery, gambling on Indian lands and general gambling prohibitions.

The legalization of gaming on Indian lands initially raised a number of jurisdictional questions with respect to which federal, state or local entity had primary enforcement authority. On August 26, 1992, the United States Attorneys for the Eastern District and the Western District of Wisconsin, the FBI, and DOJ agreed that the Division of Criminal Investigation, through its Gaming Enforcement Bureau, would be the primary contact for reporting and investigating all alleged criminal activity affecting the operation and administration of Class III (casino) Indian gaming in Wisconsin. This agreement does not preclude criminal

investigation by local or tribal law enforcement agencies; however, the Division is to be apprised by local or tribal law enforcement agencies (or others) of criminal allegations and investigations affecting the integrity of Indian gaming in Wisconsin. This notification requirement is intended to ensure the coordination of investigations of common interest and to encourage the prompt dissemination of information that may be of concern to other gaming operations or enforcement agencies.

Under ss. 165.60 and 165.70 of the statutes, the Department is granted criminal law enforcement responsibilities relating to commercial gaming and illegal gambling. In addition, under Chapters 562, 563, 565, and 569 of the statutes, DOJ is granted law enforcement responsibilities relating to racing and pari-mutuel betting, bingo and raffle control, the Wisconsin Lottery, and Indian gaming. Department of Revenue's Division of Lottery and Department of Administration's (DOA) Division of Gaming are required by statute to report all suspected criminal activity to DOJ.

The gaming investigation program also conducts background investigations related to major procurement contracts for the Wisconsin Lottery, and assists DOA's Division of Gaming in conducting background investigations of contractors and individuals seeking certification or licensure relating to Indian gaming or pari-mutuel racing. In addition, the program assists local law enforcement in meeting its responsibility to enforce the state's gambling laws.

**Program Administration.** In 2022, Wisconsin had 23 casinos and auxiliary facilities with more limited games. As of October, 2022, these casinos operated 13,924 gaming devices and 157 tables.

In 2021-22, program staff opened 22 gaming cases and closed six gaming cases. The gaming investigation program is generally the lead agency in these cases.

In 2021-22, the gaming investigations program conducted 460 background investigations for DOA's Division of Gaming and no background investigations for the Wisconsin Lottery.

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### **Remaining DCI Operations for the Special Operations Bureau and Field Operations Bureaus**

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In 2022-23, the budget for the Special Operations Bureau as well as the Eastern and Western Field Operations Bureaus (less amounts specifically budgeted for narcotics enforcement, the ICAC task force unit, and the gaming investigation program) is \$10,021,700 and consists of 82.65 positions. This funding is comprised of \$9,076,000 GPR supporting 73.15 GPR positions and \$945,700 PR supporting 9.5 PR positions. The staff for these operations consist of special agents, criminal analysts, program and policy analysts, technicians, and support staff.

The program revenue-funded portion of these budgets is supported by interagency and intra-agency assistance funding (\$857,600 and 8.5 positions (salary and fringe)) and law enforcement training fund state operations (\$88,100 and 1.0 position (salary and fringe)).

### **Special Operations Bureau**

**Officer Involved Death Investigations.** Under 2013 Wisconsin Act 348, each law enforcement agency in the state is required to have a written policy regarding the investigation of an officer-involved death that involves a law enforcement officer. The written policy must require that an investigation into an officer-involved death (OID) be conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs an officer involved in the OID. Act

348 defines an OID as the death of an individual that results directly from an action or an omission of a law enforcement officer while the officer is on duty or while the officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

With the passage of Act 348, DCI became the preferred resource for local law enforcement agencies requiring independent investigators to investigate OIDs and non-fatal officer involved incidents. The Department does not separately budget for the special investigations, and instead utilizes existing funds to support the function.

In 2021-22, DOJ opened eight OID investigations and closed eight as well as opened seven and closed one non-fatal officer-involved shooting incidents. Note that, beginning in 2019, OID investigations are administratively overseen by the State Fire Marshal's Office (described below).

**Technical Services Unit.** This unit provides covert surveillance investigative support for all types of criminal investigations. Special agents from this unit install and operate the equipment necessary to gather information on criminal activity. Assistance is available to all law enforcement agencies for nearly all forms of felony criminal investigations. The Division of Criminal Investigation may limit its investigative involvement in a given case to the provision of technical surveillance services. The Department indicates that through partnerships with federal programs and initiatives, the Division has been able to secure state-of-the-art covert surveillance equipment. The technical services unit provided 219 case assists in 2021-22.

**Analytical Services Unit.** This unit provides analysis and specialized investigative support to DCI and to other law enforcement agencies in the state. The unit offers both experienced criminal intelligence analysts and specialized analytical software. Analytical services are normally free of

charge to Wisconsin law enforcement agencies and prosecutors for investigations of all types of crime. During 2021-22, the unit provided 149 case assists.

**Investigative Records Section.** This section provides information gathering, program support and background searches, and manages the Division's investigative records. The section serves as the Wisconsin liaison to the FBI's Violent Criminal Apprehension Program (ViCAP). ViCAP is a national data center organized to collect, collate and analyze specific investigative data. The purposes of the system are to enable local and state law enforcement agencies to link potentially related cases and to establish state and local crime trends.

**Wisconsin Clearinghouse for Missing and Exploited Children and Adults/Amber Alert.** The clearinghouse serves as a resource for both law enforcement and affected families in investigating cases involving missing and abducted children. The state works in conjunction with the National Center for Missing and Exploited Children, and forms part of a nationwide network that works to reunite missing and abducted children with their families.

In 2021-22, the clearinghouse received calls for service and evaluated 229 tips.

In April, 2003, Congress passed the Protect Act of 2003. This act created the national AMBER (America's Missing: Broadcast Emergency Response) Alert System. Under AMBER Alert, the public is quickly informed through television and radio public service announcements of a child's abduction. This immediate and widespread dissemination of information alerts the public, some of whom may be able to provide relevant and timely information to law enforcement that could end an abduction and result in the apprehension of the perpetrator.

The clearinghouse is responsible for establishing and monitoring the state AMBER Alert System. The Division of Criminal Investigation has entered into a contract with the Wisconsin State Patrol Traffic Management Center (TMC) to provide the technical services and broadcast dissemination associated with an AMBER Alert.

In order to activate an AMBER Alert, local law enforcement who suspect that a missing child meets the AMBER Alert criteria contact the TMC. The TMC then relays the information provided by local law enforcement to DOJ's Missing Exploited Persons Section (MEPS) which then contacts the on-call special agent in charge. After confirming the information with local law enforcement, DOJ instructs TMC to issue an Amber Alert if the following criteria are met: (a) the child is 17 years of age or younger; (b) the child is in danger of serious bodily harm or death; and (c) the initiating agency has enough descriptive information about the child, the suspect(s), and/or the suspect's vehicle(s) to believe an immediate broadcast alert would help locate the child.

The MEPS analyst notifies law enforcement agencies, the business community and the general public, and publishes the alert on the AMBER Alert website and social media sites. The MEPS analyst also coordinates with the National Center for Missing and Exploited Children for dissemination of the alert to wireless communications users. In addition, the MEPS analyst disseminates the AMBER Alert to the Wisconsin Lottery and outdoor advertisers for publication. In 2021-22, the clearinghouse evaluated 26 requests for AMBER Alert activation, fully activated the system on seven occasions.

**Silver Alert.** Wisconsin's Silver Alert program is utilized by law enforcement to disseminate reports on missing "adults at risk." "Adults at risk" are adults who suffer, or could suffer without access to medication, from a developmental disability, Alzheimer's disease, dementia, or a cognitive impairment if the impairment would likely render

the adult incapable of getting to a familiar location without assistance. Under the program, DOJ created a form for reports on missing adults at risk that law enforcement agencies can access through the state's crime alert network. The crime alert network allows law enforcement officers trained by DOJ to send out messages to participating businesses and members of the community regarding criminal activity, crime trends, or missing persons.

If a law enforcement agency receives a report of a missing adult at risk, the law enforcement agency must contact Wisconsin State Patrol's TMC which then relays the information provided by local law enforcement to the on-call MEPS analyst. Silver Alerts are evaluated by the MEPS analysts, after confirming the criteria for the alert has been met DOJ MEPS analyst disseminates the alert to law enforcement agencies, the business community and the general public. Similar to an AMBER Alert, Silver Alerts are disseminated through email, text messages, or fax using the crime network. Silver Alerts may also be broadcast through television and radio, digital billboards, and lottery display terminals.

While DOJ is statutorily authorized to charge a fee to members of the private sector who receive information regarding known or suspected criminal activity through the crime alert network, DOJ may not charge a fee to individuals utilizing the crime alert network to receive information on Silver Alerts. The legislation which created the Silver Alert program, however, provided DOJ with \$64,500 GPR and 1.0 GPR position annually to administer the Silver Alert program. Further, note that under current policy, the Department does not charge members of the private sector for participating in the crime alert network. Expenses related to the crime alert network are generally supported by DOJ's law enforcement services general program operations appropriation.

The Silver Alert program began in August, 2014. In 2021-22, there were 177 requests for Silver Alert activation. These 177 requests led to the

activation of the system on 116 occasions.

**Green Alert.** Created under 2017 Act 175, Wisconsin's Green Alert program is utilized by law enforcement to disseminate reports on missing "veterans at risk." Green Alerts are evaluated and disseminated by the local law enforcement agency of jurisdiction rather than by DOJ.

## **Field Operations Bureaus**

**Major Crime Caseload.** The Field Operations Bureaus are in charge of investigating major crimes. According to DOJ, major crimes include violent crimes and cases of a sensitive nature. Sensitive cases are those cases of statewide nature, scope, or importance that may require special investigative techniques and close coordination with local law enforcement or a prosecutor. Sensitive cases may also require special victim resources, depending on the nature of the criminal conduct. Examples of sensitive cases could include: serial sexual assaults; missing person investigations; child abductions; or crimes committed against a public official. These cases are handled at the field office level within the Bureau. In 2021-22, the Bureau opened 81 major crime investigations and closed 83 investigations.

**Financial Crimes Caseload.** The Field Operations Bureaus conduct criminal investigations of complaints relating to: (a) economic or "white collar" crimes (such as embezzlement, theft, bank fraud, security fraud, health care fraud, insurance fraud and identity theft); and (b) antitrust violations (such as bid rigging, territory allocation and restraint of trade). The Bureau generally conducts investigations at the request of local district attorney offices and local law enforcement agencies, as well as through coordination with assistant attorneys general or as a result of citizen reports. In 2021-22, the Bureau opened seven financial crimes cases and closed 23 cases.

**Public Integrity Caseload.** Under s. 165.50 of

the statutes, DCI is authorized to investigate crime that is statewide in nature, importance, or influence. While the Division is not specifically authorized to investigate crimes arising under the Code of Ethics for Public Officials (Chapter 19), bribery and official misconduct provisions (Chapter 946), or violations of state election or campaign laws under the state election code (Chapters 5 through 12), district attorneys may refer cases arising under these statutory provisions to the Department for prosecution. Under such circumstances, the Field Operations Bureaus are authorized to assist DOJ attorneys in the prosecution of the case.

The Department also has primary enforcement responsibility regarding the state's open records and open meetings laws.

The Bureau generally works in cooperation with other agencies such as the Ethics Commission, local law enforcement agencies, and district attorneys in evaluating and investigating civil and criminal complaints involving state election and ethics laws, campaign finance, and misconduct in public office violations. The Bureau has independent authority to investigate violations of the state's open meetings and open records laws.

Referrals to the Field Operations Bureaus come from a number of sources. These include: (a) internal requests from assistant attorneys general to investigate complaints received from citizens or other sources; (b) requests from local law enforcement agencies or district attorneys for investigative assistance; and (c) requests from other state agencies for investigative assistance with complaints involving matters within their regulatory jurisdiction.

In 2021-22, the Bureau opened 17 public integrity cases and closed 22 cases.

**Cold Case Homicide Caseload.** Cold case homicides are investigated by special agents assigned to the Field Operations Bureaus. In 2021-

22, the Bureau opened one cold case homicide, and closed two cases.

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### **Office of the State Fire Marshal**

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Prior to the 2013-15 biennium, the Arson Unit of the Field Operations Bureaus were responsible for carrying out DOJ's responsibility to investigate cases related to arson. In 2012-13, DOJ reorganized its Division of Criminal Investigation and the Arson Unit was removed from the Field Operations Bureaus and converted into the Arson Bureau (also known as the Office of the State Fire Marshal).

The Department has indicated that it does not separately budget for the Office, and instead utilizes existing funds to support the Office. However, DOJ has estimated that in 2022-23, the budget for the Office is \$2,500,000 GPR supporting 14.0 GPR positions. The Office is comprised of 10.0 special agents/deputy state fire marshals; one special agent in charge, and one state fire marshal. The State Fire Marshal acts as the director of the Office and is appointed by the Attorney General.

In 2019, responsibilities associated with Officer involved death investigations was moved to the director of state operations. At every OID, both the state fire marshal/arson agents and the regional SACs/agents respond. The state fire marshal has arson agents responsible for securing the scene, just like in arson investigations. The regional SAC/agents are responsible for conducting the investigation. The state fire marshal does not directly manage the SAC/agents investigation. The Department indicates that the state fire marshal manages OID investigations (as the policy lead), while the regional SACs manage the investigations.

### **Statutory Authorization**

Under s. 165.50 of the statutes, the Department of Justice is responsible for conducting arson investigations. Under s. 165.55(1) of the statutes, the fire chief or chief executive of every Wisconsin municipality must investigate the cause, origin, and circumstances of every fire in their jurisdiction causing more than \$500 in damage, and, when the fire is of unknown origin, the fire chief or chief executive must especially investigate whether the fire was the result of negligence, accident, or design. The municipality's fire chief or chief executive must report any investigation that discloses the fire may have been of incendiary origin to the state fire marshal. In addition, the Office must supervise and direct the investigation of fires of incendiary origin when the state fire marshal deems the investigation expedient.

### **Program Administration**

The Office responds to fatal fires, fires with statewide importance, large commercial structure fires, fires suspected to be arson by local authorities, explosions, and fires involving injury or death to first responders. The Office does not respond to requests from insurance companies or private citizens.

When supervising arson investigations, the state fire marshal and his or her deputies have the authority to conduct hearings, take testimony, seize evidence, apply for special inspection warrants, obtain records from insurance companies, and obtain information relating to a juvenile from a law enforcement agency. All investigations conducted by the Office may, at the discretion of the state fire marshal, be kept private. If an investigation leads to the discovery of sufficient evidence to charge an individual with arson or criminal damage to property (or the attempt to commit arson or criminal damage to property), the state fire marshal must have the suspect prosecuted and provide the prosecuting attorney with the testimony,

information, and names of witnesses gathered during the course of the Office's investigation.

In 2021-22, the Office opened 118 arson cases and closed 182 arson cases. It should be noted that cases are often complex and may be investigated for a year or two before charges are filed, much less closed.

In addition to their arson caseload, Office staff provides fire and arson investigation training to local fire and law enforcement officials. In 2021-22, the Office provided 20 presentations to 426 attendees.

## CRIMINAL JUSTICE-RELATED GRANT PROGRAMS OF THE DEPARTMENT OF JUSTICE

To assist local units of governments, tribes, and organizations provide the public with law enforcement, rehabilitation, and victim and witness services, the state administers several state and federally funded criminal justice grant programs.

The responsibilities of administering criminal justice related grant programs are split between DOJ's Division of Management Services, Division of Law Enforcement Services, Division of Criminal Investigation, and Office of Crime Victim Services. The Division of Management Services is generally responsible for: (a) developing and monitoring the Department's budget and finances; (b) providing human resource services to the Department; and (c) providing information technology services to the Department. The Office of Crime Victim Services is generally responsible for providing direct assistance to victims and witnesses of crimes and administering programs that support services to crime victims.

Under s. 165.25(10m), the department must annually provide the Legislature the following information: (a) the amount of each grant awarded by DOJ under the relevant grant program for the prior fiscal year; (b) the grantee to whom each grant was awarded; (c) the agency's methodology for awarding grants and determining the level of grant funding to be provided to each grant recipient; (d) performance measures created by DOJ for each grant program; and (e) reported results of each grant recipient in each fiscal year as to the attainment of performance measures developed for it under the relevant grant program. The reporting requirement is applicable to the Treatment Alternatives and Diversion grant program, the Drug Court grant program, the Child Advocacy Center grant program, the Law Enforcement Officer grant program, and

the Youth Diversion grant program.

With the exception of grant programs intended to provide support to crime victims and witnesses, the remainder of this chapter discusses the state funded grant programs administered by DOJ. Grant programs intended to provide support to crime victim and witnesses (including the Child Advocacy Center grant program) are discussed in the Legislative Fiscal Bureau's informational paper, "Crime Victim and Witness Services."

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### Youth Diversion Grant Program

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Under s. 165.987 of the statutes, DOJ is required to enter into contracts with organizations for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational, and employment programs. The statutes specifically direct the Department to enter into the following contracts for the following amounts: (a) \$500,000 to an organization which provides services in a county having a population of 500,000 or more (which DOJ has awarded to Milwaukee County); (b) \$150,000 to an organization in Racine County; (c) \$150,000 to an organization in Kenosha County; (d) \$150,000 to an organization in Brown County; and (e) \$100,000 to an unspecified organization (which DOJ has awarded to the City of Racine).

Funding for the youth diversion program during the 2021-23 biennium is supported by \$672,400 PR annually. The program revenue funding is provided from the penalty surcharge. Under current law, whenever a court imposes a

fine or forfeiture for most violations of state law or municipal or county ordinance, the court also imposes a penalty surcharge of 26% of the total fine or forfeiture.

In addition to the budget for youth diversion contracts, the statutes specify that DOJ may not distribute more than \$300,000 PR annually to the organization it has contracted with which provides services to a county with a population of 500,000 or more for alcohol and other drug abuse education and treatment services for participants in that organization’s youth diversion program. These funds are provided by the Department of Health Services from federal Substance Abuse and Mental Health Services Administration (SAMHSA) funds that it administers. In recent years, DHS has transferred \$281,600 of these federal funds to DOJ for the youth diversion program.

Table 8 identifies the youth diversion grants awarded in 2021-22, including: the county in which the grantee operates; the amount of the award; and a description of the youth diversion project for 2021-22.

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## Law Enforcement Officer Grants

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Under 1993 Wisconsin Act 193, the Legislature created a law enforcement officer supplement grant program under the Office of Justice Assistance. After the dissolution of the Office of Justice Assistance, the responsibility to administer this grant program was transferred to DOJ's Division of Law Enforcement Services. Under this program, DOJ provides grants to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling.

Under s. 165.986 of the statutes, a city is eligible to apply for a grant under this program if it has a population of at least 25,000. The Department of Justice must make grant awards to the 10 eligible cities submitting applications that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available from the FBI's uniform crime reporting (UCR) system. The Department may not award an

**Table 8: Youth Diversion Grants Awarded in 2021-22**

County	Award	Project Description
Brown	\$96,200	The Brown County Ties project is a gang diversion initiative targeting Brown County youth that involves collaboration between local youth service agencies and law enforcement.
Kenosha	\$96,200	The Kenosha County Department of Human Services and two community-based provider agencies use grant funds to provide gang diversion/prevention services to at-risk or gang-involved youth.
Milwaukee	\$320,400	The Social Development Commission (SDC) Youth Service’s Gang Diversion program implements best practices and evidence-based models to benefit of under-resourced youth who are involved or at-risk of becoming involved in the juvenile justice system.
Milwaukee	\$281,600	SDC’s Counseling and Wellness Clinic will provide prevention workshops and outpatient treatment services for Alcohol, Tobacco, and Other Drug Abuse (ATODA).
Racine	\$63,400	The City of Racine partners with Safe Haven of Racine, RUSD, Why Gangs LLC, Racine Vocational Ministries and the YMCA to provide specific intervention services to mitigate the adverse impact of gang membership (and gang affiliation) in the City of Racine.
Racine	\$96,200	The Young Leaders Academy (YLA) is a year-round program consisting of three components dedicated to reversing the negative trend of low academic achievement and stereotypical behavior of youth ages 7-18 from low-income communities in Racine
Total	\$954,000	

annual grant in excess of \$150,000 to any one city. Awards are made on a calendar year basis and a city may receive a grant for three consecutive years without submitting a new application each year.

A city applying for a grant under the program must include a proposed plan for expenditure of the grant monies. Such funding may be utilized only for salary and fringe benefits costs. Further, the grantee must provide a 25% local match to any grant funds received under the program. Cities may generally not utilize the grant funding to pay

for overtime costs (except in the first year of a city's initial grant under the program). Grant funding under this program must result in a net increase in the number of uniformed law enforcement officers assigned to beat patrol duties, when compared to the number of uniformed law enforcement officers the city assigned to beat patrol on April 21, 1994.

Funding for the program is \$1,000,000 GPR and \$224,900 PR annually. Table 9 shows the municipalities in 2021-22 that were awarded a supplemental grant. The table also shows the amount

**Table 9: Law Enforcement Officer Supplement Grants Awarded in 2021-22**

Grantee	Award	Local Match	Project Description
Beloit	\$121,434	\$40,478	Beloit funded a portion of two beat patrol officers. The program utilizes the latest community policing practices to improve community relationships and reduce violent crime.
Green Bay	121,434	40,478	Funds are used by the Green Bay Police Department to allow five officers to perform beat patrol duties, towards community and intelligence-led policing practices.
Kenosha	121,434	40,478	Kenosha funds are used to support four beat patrol officers working foot patrol and other beat patrol duties. The officers assist with neighborhood and business collaboration initiatives and address crime issues.
Madison	126,714	42,238	Madison Police Department funds are used to support four police officers' community work through beat patrols.
Manitowoc	121,434	40,478	Manitowoc Police Department funds are used to support overtime costs of various officers assigned to proactive, directed patrols in targeted areas of the city based on crime data.
Milwaukee	126,714	42,238	City of Milwaukee funded a portion of two beat patrol officers. Funds are used to conduct proactive community policing in partnership with the community to identify, reduce, and prevent crime.
Racine	121,434	40,478	City of Racine Police Department funds two beat patrol officers. Funds target and address crime and quality of life issues at the neighborhood level. The beat patrol officers utilize squad, foot, and bicycle patrols to perform standard law enforcement duties in addition to developing problem-solving partnerships at the local level.
Sheboygan	121,434	40,478	Funds are used by the Sheboygan Police Department to support two full time sworn police officers' salary and fringe benefits to provide targeted beat patrol activities in the City of Sheboygan. The officers engage in outreach activities within neighborhoods identified as having high violent crime rates, lower educational attainment, lower economic status, and other challenges that have led to decreased neighborhood cohesion and collective efficacy.
Wausau	121,434	40,478	Funds are used by the Wausau Police Department to perform community patrols. The project adds police officers to community beats to respond more quickly to calls and to investigate, deter, and solve crime.
West Allis	<u>121,434</u>	<u>40,478</u>	West Allis Police Department funds a portion of the salary and fringe benefits of three officers assigned to daily patrol duties. Duties include traffic enforcement, accident investigations, criminal investigations, neighborhood patrols, and over all community policing efforts.
Total:	\$1,224,900	\$408,300	

each city's local match as well as a description of how the grant funding was utilized.

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### **Law Enforcement Drug Trafficking Response Grants**

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Under 2017 Act 261, a law enforcement drug trafficking response grant was created and provided \$1 million GPR in 2018-19. A Wisconsin law enforcement agency or tribal law enforcement agency may apply to DOJ for a grant by submitting a proposed plan of expenditure of the grant money. The proposed plan of expenditure must specify a new program or purpose for which the funds will be used. If the proposed plan of expenditure will result in the agency incurring an ongoing expense that will continue after all grant funds have been spent, the plan must include a description of how that expense will be met when there are no remaining grant funds.

The Department of Justice is required review each application and plan and may provide grants to an eligible Wisconsin law enforcement agency or tribal law enforcement agency of not more than \$50,000 per application and plan and not more than \$100,000 per agency. A grant may be provided only to fund a new program or purpose within the agency and may not be provided to supplement an existing program.

A Wisconsin law enforcement agency or tribal law enforcement agency receiving a grant may use the grant to fund extra training for law enforcement officers, the hiring of additional officers to investigate drug trafficking, or any other purpose that is directly related to drug trafficking response and that is not an existing program within the agency at the time the grant is received.

As part of the application process, each law enforcement agency or jurisdiction is required to include the following information within their submission to be considered for funding: (a) budget narrative describing how items relate to the overall drug enforcement strategy; (b) projective narrative describing how the proposed plan responds to the current drug trafficking trends within the jurisdiction; (c) problem description identifying the drug trafficking problems in the area, and current strategies to combat these problems; (d) agency profile describing the law enforcement agency related to drug trafficking enforcement, including the names of participating jurisdictions and their role in the project; and (e) other funding received related to drug trafficking in place during the project time period and explaining how this new requested funding will support a new program or purpose within the agency. Compliant applications are reviewed for completeness and scored according to the grant guidelines within the solicitation. In addition to review ratings, consideration may be given to the following factors: (a) underserved populations, (b) strategic priorities, (c) past performance, (d) underserved geographic areas, and (e) available funding.

Table 10 shows the municipalities in 2022-23 that were awarded a law enforcement agency drug trafficking response grant.

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### **Treatment Alternatives and Diversion Grant Program**

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Provisions of 2005 Wisconsin Act 25 created the Treatment Alternatives and Diversion (TAD) grant program under the Office of Justice Assistance (OJA). The program is intended to provide grants to counties and tribes to establish and operate programs, including suspended and deferred prosecution programs and programs based on

**Table 10: Law Enforcement Agency Drug Trafficking Response Grants Awarded in 2022-23**

Agency Name	Award Amount
Ashland County Sheriff's Office	\$24,612
Ashwaubenon Public Safety	18,902
Beaver Dam Township Police Department	8,038
Beloit Police Department	22,750
Brown County Drug Task Force	25,000
Calumet County Sheriff's Department	21,266
City of Mauston Police Department	22,051
Columbia County Sheriff's Department	25,000
Crawford County Sheriff's Department	25,000
Dane County Narcotics Task Force	25,000
Eau Claire County Sheriff's Office	25,000
Forest County Sheriff's Department	24,980
Germantown Police Department	20,700
Green Bay Police Department	16,000
Greenfield Police Department	24,085
Iowa County Sheriff's Department	25,000
La Crosse County Sheriff's Department	24,612
La Crosse Police Department	21,792
Lafayette County Sheriff's Department	25,000
Lake Winnebago Area MEG Unit	25,000
Langlade County Sheriff's Office	18,981
Manitowoc County Sheriff's Department	25,000
Manitowoc Police Department	16,435
Marathon County Sheriff's Office	24,150
Marinette County Sheriff's Department	21,701
Marinette Police Department	24,806
Menomonie Police Department	23,780
Oconto County Sheriff's Department	16,435
Oconto Police Department	11,562
Oneida County Sheriff's Office	21,650
Polk County Sheriff's Department	25,000
Portage County Sheriff's Office	25,000
Prairie du Chien Police Department	24,248
Racine County Sheriff's Office	24,375
Racine Police Department	24,952
Richland Center Police Department	12,323
Rock County Sheriff's Office	3,809
Sauk County Sheriff's Office	17,099
Shawano County Sheriff's Department	25,000
Sheboygan Police Department	25,000
Sparta Police Department	14,826
St. Croix County Sheriff's Department	25,000
Tomah Police Department	4,102
Village of Lannon Police Department	15,000
Waupaca County Sheriff's Department	25,000
Wausau Police Department	15,000
West Allis Police Department	14,534
WI Department of Justice, DCI	<u>25,000</u>
Total	\$999,551

principles of restorative justice, which provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. Projects supported by the TAD program typically follow one of two models: pre-trial diversion or adult drug court.

A county or tribe is eligible for a TAD grant if its proposed program meets all of the following conditions:

- Is designed to meet the needs of an individual who abuses alcohol or other drugs and who has been or may be charged or convicted of a crime related to the individual's use of alcohol or other drugs;
- Is designed to promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, and improve the welfare of participants' families;
- Establishes eligibility criteria for an individual's participation in the program, and the criteria specify that a violent offender is not eligible to participate in the program;
- Subject to the criteria identified in the following point, the program does not prohibit a person from beginning or continuing participation in the program because he or she uses a medication that is approved by the federal Food and Drug Administration for the treatment of his or her substance abuse order;
- Allows a participant to use a medication that is approved by the federal Food and Drug Administration if all of the following are true: (a) a licensed health care provider, acting in the scope of his or her practice, has examined the participant and determined that the participant's use of the medication is an appropriate treatment for the person's substance use disorder; (b) the medication was appropriately prescribed by a person authorized to prescribe medication in Wisconsin; and (c)

the participant is using the medication as prescribed as part of treatment for a diagnosed substance use disorder.

- Provides services that are consistent with evidence-based practices in substance abuse and mental health treatment, and the program provides intensive case management;
- Utilizes graduated sanctions and incentives to promote successful substance abuse treatment;
- Provides holistic treatment to its participants and provides its participants services to eliminate or reduce their alcohol or other drug use, improve their mental health, facilitate their gainful employment, education or training, provide them stable housing, facilitate family reunification, ensure child support payments, and increase the payment of other court-ordered obligations;
- Is designed to integrate all mental health services provided to program participants by organizations and government agencies;

- Provides substance abuse and mental health treatment services through providers that are certified by the Department of Health Services;
- Requires participants to pay a reasonable amount for their treatment, based on their income and available assets, and utilizes all possible resources available through insurance and government aid programs;
- Is developed and implemented in collaboration with at least one circuit court judge, the district attorney, the state public defender, local law enforcement officials, and county agencies responsible for providing social services; and
- Complies with other eligibility requirements established by DOJ.

Table 11 shows appropriated funding for the TAD program and county drug courts from 2006-07 thru 2022-23.

Under 2019 Act 9, one-time funding for the

**Table 11: Appropriated Funding for the TAD Program and County Drug Court Grant Program 2006-07 Thru 2022-23**

<u>Fiscal Year</u>	<u>GPR</u>	<u>PR</u>	<u>Total</u>	<u>PR Funding Sources</u>
<b>TAD Program</b>				
2006-07	\$0	\$755,000	\$755,000	DAPIS and DODS (\$755,000).
2007-08	0	755,000	755,000	DAPIS and DODS (\$755,000).
2008-09	0	755,000	755,000	DAPIS and DODS (\$755,000).
2009-10	0	712,500	712,500	JIS surcharge (\$705,000); and DAPIS and DODS (\$7,500).
2010-11	0	712,500	712,500	JIS surcharge (\$705,000); and DAPIS and DODS (\$7,500).
2011-12	0	1,085,900	1,085,900	JIS surcharge (\$1,078,400); and DAPIS and DODS (\$7,500).
2012-13	0	1,085,900	1,085,900	JIS surcharge (\$1,078,400); and DAPIS and DODS (\$7,500).
2013-14	2,500,000	1,085,900	3,585,900	JIS surcharge (\$1,078,400); and DAPIS and DODS (\$7,500).
2014-15	2,500,000	1,085,900	3,585,900	JIS surcharge (\$1,078,400); and DAPIS and DODS (\$7,500).
2015-16	2,500,000	1,084,000	3,584,000	JIS surcharge (\$1,078,400); and DAPIS and DODS (\$5,600).
2016-17	2,500,000	3,084,100	5,584,100	JIS surcharge (\$1,078,400); one-time transfer from the Department of Health Services institutional operations and charges PR appropriation (\$2,000,000); and DAPIS and DODS (\$5,700).
2017-18	4,650,000	1,339,000	5,989,000	JIS surcharge (\$1,078,400); one-time transfer from DOJ's discretionary settlement funds (\$250,000); and DAPIS and DODS (\$10,600).
2018-19	4,650,000	1,339,200	5,989,200	JIS surcharge (\$1,078,400); one-time transfer from DOJ's discretionary settlement funds (\$250,000); and DAPIS and DODS (\$10,800).
2019-20	5,650,000	1,089,200	6,739,200	JIS surcharge (\$1,089,200); and DAPIS and DODS (\$10,800).
2020-21	5,650,000	1,089,200	6,739,200	JIS surcharge (\$1,089,200); and DAPIS and DODS (\$10,800).
2021-22	5,650,000	1,089,200	6,739,200	JIS surcharge (\$1,089,200); and DAPIS and DODS (\$10,800).
2022-23	8,150,000	1,089,200	9,239,200	JIS surcharge (\$1,089,200); and DAPIS and DODS (\$10,800).
<b>County Drug Court Grant Program, 2018-19 Through Present</b>				
2018-19	500,000	0	500,000	
2019-20	500,000	0	500,000	
2020-21	500,000	0	500,000	
2021-22	500,000	0	500,000	
2022-23	500,000	0	500,000	

following was provided: (a) \$250,000 annually for existing programs to replace \$250,000 annually in one-time program revenue funding provided in the 2017-19 biennium; (b) \$250,000 annually to expand existing programs; and (c) \$500,000 annually for new TAD programs in a new appropriation.

Under 2021 Act 58, \$2,500,000 GPR in 2022-23 was provided for TAD grants. Further, \$500,000 GPR annually in previously one-time funding was made on-going.

As a result, funding for the TAD program total is \$6,739,200 in 2021-22 (\$5,650,000 GPR and \$1,089,200 PR) and \$9,239,200 in 2022-23 (\$8,150,000 GPR and \$1,089,200 PR. Program revenue for the TAD program is comprised of the following: (a) \$1,078,400 PR annually from the justice information system surcharge; and (b) \$10,800 PR annually from Drug Abuse Program Improvement Surcharge (DAPIS) and Drug Offender Diversion Surcharge (DODS).

Any county or tribe receiving a grant under the TAD program must provide matching funds equal to 25% of the amount of the grant. Beginning in 2012-13 and every five years thereafter, DOJ must make TAD grants available to counties and tribes on a competitive basis.

Acts 20 and 197 of 2013 required DOJ to undertake evaluative responsibilities. Under Act 20, DOJ must evaluate the TAD grant program every two years. Under Act 197, each month, a county or tribe receiving TAD grant funding must submit to DOJ any data requested by the Department. The Department must analyze the data provided by the counties, tribes, and prepare an annual progress report that evaluates the effectiveness of the TAD program. The Department must make this annual progress report public. Moreover, every five years, DOJ must analyze both the data it receives from the counties, tribes, and its own annual progress reports and prepare a comprehensive report on the

TAD program. The comprehensive report must include a cost benefit analysis of the program. The Department's five-year comprehensive report must be submitted to the Legislature.

The Department of Justice prepared a cost-benefit analysis of the TAD program covering the years 2014-2018. The report concluded that, "the Wisconsin criminal justice system receives a benefit of \$4.17 for every \$1 in state TAD funding spent on treatment courts and a benefit of \$8.68 for diversion programs. These benefits are incurred through averted incarceration costs and reduced future crime costs per discharge in 2014-2018." The next report will evaluate the years 2019-2023.

A new, competitive five-year grant cycle for TAD grants began in January, 2022. DOJ was able to award grants to 41 TAD projects. These 41 projects are operated by 41 counties and two tribes. Appendix VIII lists all of the TAD projects in calendar year 2022, by county or tribe, as well as the date each project began operation, the grant that is awarded to each project, and a description of each project.

Table 12 identifies the number of individuals who successfully completed TAD treatment, by county or tribe, in calendar year 2021 ("program graduates"). Staff for new TAD projects generally spend the initial months after a project's inception planning and developing future operations. Further, it can be up to two years before any participants graduate from the program.

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### **Drug Court Grant Program**

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Under 2013 Act 20, the Department of Justice was charged with administering a drug court grant program. A drug court is a court that diverts a substance-abusing individual from prison or jail into

**Table 12: TAD Program Graduates, 2021**

County/Tribe	Program Graduates
Barron County	4
Bayfield County	2
Brown County	63
Buffalo County	14
Chippewa County	11
Columbia County	11
Crawford County	2
Dane County	26
Dodge County	21
Douglas County	2
Dunn County	17
Eau Claire County	11
Grant County	8
Green County	4
Green Lake County	2
Iowa County	0
Jackson County	12
Jefferson County	15
La Crosse County	110
Lac du Flambeau Tribe	3
Lafayette County	1
Manitowoc	11
Marathon County	12
Marinette County	0
Marquette County	2
Menominee Tribe	0
Milwaukee County	43
Monroe County	2
Outagamie County	47
Ozaukee County	7
Pepin County	6
Pierce County	25
Polk County	5
Portage County	42
Racine County	6
Rock County	5
Sauk County	6
Shawano County	1
Sheboygan County	1
St. Croix County	26
Taylor County	3
Trempealeau County	1
Walworth County	1
Washburn County	1
Washington County	15
Waukesha County	9
Waushara County	4
Wood County	14
<b>Total</b>	<b>634</b>

treatment by increasing direct supervision of the individual, coordinating public resources, providing intensive community-based treatment, and expediting case processing. Several TAD projects, discussed in the section "Treatment Alternatives and Diversion Grant Program," are drug courts.

Under the drug court grant program, DOJ may only provide grants to counties or tribes without an established drug court, in order for those counties to establish and operate a drug court.

During the 2021-23 biennium, the Department was appropriated \$500,000 GPR annually to provide grants to counties or tribes without an established drug court. In 2022-23, the Department awarded grants totaling \$500,000 for drug courts in: Columbia, Marinette and Marquette Counties. [Note that Columbia County received funds from both the TAD grant program and the county drug court grant program.] Appendix IX provides the amount awarded for each of these new drug courts in calendar year 2022, as well as brief description of each project.

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**County/Tribal Law  
Enforcement Grant Programs**

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The budget for the Division of Management Services includes \$1,911,800 PR and 1.0 PR position in 2022-23 to administer three related grant programs to support law enforcement services on tribal lands and in counties bordering tribal reservations. Of these budgeted funds and positions in 2022-23: (a) \$631,200 PR is budgeted for grants under the county-tribal law enforcement grant program; (b) \$695,000 PR is budgeted for grants under the tribal law enforcement assistance grant program; (c) \$490,000 PR is budgeted for grants under the county law enforcement services grant program; and (d) \$115,400 PR and 1.0 PR position is budgeted to permit the Department to adminis-

ter the county-tribal law enforcement grant program. Funding for the grants and for program administration is provided from tribal gaming revenues.

**Statutory Authorization.** Section 165.90 of the statutes creates the county-tribal law enforcement grant program, and assigns the program's administrative responsibility to DOJ. Any county with one or more federally-recognized Indian reservations within or partially within its boundaries may enter into an agreement with an Indian tribe located in the county to establish a cooperative county-tribal law enforcement program. The county and tribe must develop and annually submit to DOJ a joint program plan, and report on the performance of law enforcement activities on the reservation in the previous fiscal year. The joint program plan must identify all of the following: (a) a description of the proposed cooperative county-tribal law enforcement program for which funding is sought, including information on the population and geographic area or areas to be served by the program; (b) the program's need for funding and the amount of funding requested; (c) the governmental unit that will receive and administer the grant funding and the method by which the funding will be disbursed, which includes specifying the allocation of the aid between the tribe and county; (d) the types of law enforcement services that will be performed on the reservation and the persons who will perform the services; (e) the individual who will exercise daily supervision and control over law enforcement officers participating in the program; (f) the method by which county and tribal input into program planning and implementation will be assured; (g) the program's policies regarding deputization, training and insurance of law enforcement officers; (h) the record keeping procedures and types of data to be collected by the program; and (i) any other information required by DOJ or deemed relevant by the county and tribe submitting the plan.

Section 165.91 of the statutes creates the tribal law enforcement assistance grant program.

Wisconsin tribes are eligible to participate in this grant program. Under the program, a tribe must submit an application that includes a proposed plan for expenditure of the grant funds. The Department is required to develop criteria and procedures in administering this program.

Section 165.89 of the statutes creates the county law enforcement services grant program. A county is eligible to participate in the grant program if the county: (a) borders one or more federally-recognized Indian reservations; (b) has not established a cooperative county-tribal law enforcement program with each such tribe or band; (c) demonstrates a need for grant-eligible law enforcement services; and (d) applies for a grant and submits a proposed plan showing how the funds will be used to support law enforcement services.

**Program Administration.** Under section 165.90(3m) of the statutes, DOJ must consider the following factors when determining whether to approve and fund a county/tribal program plan under the county-tribal law enforcement program: (a) the population of the reservation area to be served by the program; (b) the complexity of the law enforcement problems that the program proposes to address; and (c) the range of services that the program proposes to provide. When determining whether to make grants under the county-tribal law enforcement program, the Department also considers the county crime rate and the tribal unemployment rate. The Department averages the preliminary award for a given year with up to three of the most recent grants for a given tribe, in order to mitigate large grant award fluctuations from year to year.

Table 13 identifies the grant amounts awarded to counties and tribes for calendar year 2022 grant activities. Although some of the grants were awarded to programs that include tribal police departments, most of the grants help pay for services provided by county sheriffs to Indian reservations and communities.

**Table 13: Grants Awarded to Counties and Tribes in 2022**

County/Tribe	Grant
Ashland/ Bad River Band of Lake Superior Chippewa Indians	\$44,109
Barron/ St. Croix Chippewa Community	18,188
Bayfield/ Red Cliff Band of Lake Superior Chippewa Indians	40,896
Brown/Oneida Nation	33,241
Burnett/ St. Croix Chippewa Community	26,615
Forest/Forest County Potawatomi Community	37,155
Forest/ Sokaogon Chippewa Community in Mole Lake	35,473
Jackson/Ho-Chunk Nation	24,540
Juneau/Ho-Chunk Nation	29,780
Menominee/ Menominee Indian Tribe of Wisconsin	72,146
Monroe/Ho-Chunk Nation	23,540
Outagamie/Oneida Nation	30,321
Polk/ St. Croix Chippewa Community	20,402
Sauk/Ho-Chunk Nation	23,308
Sawyer/ Lac Courte Oreilles Band of Lake Superior Chippewa Indians	48,887
Shawano/Ho-Chunk Nation	19,815
Shawano/ Stockbridge-Munsee Mohican Community	25,810
Iron/ Lac du Flambeau Band of Lake Superior Chippewa Indians	58,794
Wood/Ho-Chunk Nation	<u>18,180</u>
Total	\$631,200

Section 165.91 of the statutes delegates the responsibility to DOJ to develop the criteria and procedures to be used in administering the tribal law enforcement grant program. The Department utilizes a three-criteria formula in making the awards. In evaluating the grant applications and making awards, DOJ considers: (a) reservation population; (b) county crime rate; and (c) tribal unemployment rate. The Department further averages the preliminary award for a given year with up to three of the most recent grants for a given tribe, in order to mitigate large grant award fluctuations from year to year. Table 14 identifies the grant amounts awarded to tribes for calendar year 2022 activities. All of the grants provided under this program support tribal law enforcement operations.

**Table 14: Grants Awarded to Tribes in 2022**

Tribe	Grant
Bad River Band of Lake Superior Chippewa Indians	\$91,730
Ho-Chunk Nation	28,318
Red Cliff Band of Lake Superior Chippewa Indians	62,883
Oneida Nation	105,725
St. Croix Chippewa Community	70,347
Forest County Potawatomi Community	39,632
Sokaogon Chippewa Community in Mole Lake	34,929
Menominee Indian Tribe of Wisconsin	77,642
Lac Courte Oreilles Band of Lake Superior Chippewa Indians	69,674
Stockbridge-Munsee Mohican Community	36,418
Lac du Flambeau Band of Lake Superior Chippewa Indians	<u>77,702</u>
Total	\$695,000

As with the tribal law enforcement grant program, section 165.89 of the statutes delegates to DOJ the responsibility to develop the criteria and procedures to be used in administering the county law enforcement grant program. Of the \$490,000 PR in annual grant funding under the program, however, state statute specifically provides that DOJ must allocate \$300,000 under the program to Forest County to fund law enforcement services. The Department also utilizes a modified three-criteria formula (county population, county crime rate, and county unemployment rate) to make awards of the remaining \$190,000 in funding under this program to Wisconsin counties. As with the other programs, in order to mitigate large grant award fluctuations from year to year, DOJ averages the preliminary award for a given year with up to three of the most recent grants for a given county. Table 15 identifies the grant amounts awarded to counties for calendar year 2022 activities. All counties use these grant funds to support law enforcement services, typically near bordering reservation lands.

**Table 15: Grants Awarded to Counties in 2022**

County	Grant
Barron	\$24,593
Burnett	32,024
Langlade	22,168
Menominee	29,415
Oconto	24,701
Oneida	30,510
Shawano	29,589
Forest	<u>300,000</u>
Total	\$490,000

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### **Local Anti-Drug Task Force Grants**

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The Field Operations Bureaus within the Department's Division of Criminal Investigation works with all anti-drug task forces in the state on a regular basis. In the Lake Winnebago Area Multi-Agency Enforcement Group (LWAM), an assigned DOJ special agent-in-charge is the task force commander.

Under current law, DOJ administers a program to provide grant funding to local anti-drug task forces. The Department provides funding for the task forces through the state penalty surcharge and federal Byrne Justice Assistance Grants.

In providing funding for local anti-drug task forces, the first priority under the program is to support task forces with a significant multi-jurisdictional component. Priority under the program is also given to those task forces rated high under a threat assessment of drug trafficking.

Appendix X identifies the grant funding provided to local anti-drug task forces for calendar year 2021. The appendix also identifies budgeted allocations for the task forces for calendar year 2022.

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### **ShotSpotter Program**

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Under 2013 Act 263, the Department was charged with administering a grant program which provides funding to the City of Milwaukee for the ShotSpotter program. The ShotSpotter program is a system of sensors that are installed throughout Milwaukee. When a gun is fired, installed sensors pick up the sound of the gun shot and transmit information on the location of the gun shot to police communications and squad cars equipped with special software.

Act 263 appropriated \$175,000 GPR in 2014-15 to the City of Milwaukee's ShotSpotter program. Similarly, during the 2021-23 biennium, funding to support the City of Milwaukee's ShotSpotter program totals \$175,000 GPR annually. ShotSpotter's current coverage spans 11.36 square miles divided into two coverage areas on the north and south side of Milwaukee. The coverage area consists of approximately 190 acoustic audio sensors that record impulsive sounds, like gunshots. The City indicates that the ShotSpotter grant in 2021-22 was utilized for the continued funding and operation of ShotSpotter.

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### **Office of School Safety**

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Under 2017 Act 143, an Office of School Safety was created in the Department of Justice. In conjunction with the Department of Public Instruction (DPI), the Office is required to create model practices for school boards and private schools to use when developing or reviewing a school safety plan. The Department of Public Instruction is required to provide any resources or staff requested by the Office to create the model practices. The Office is be required to consult with

the Wisconsin School Safety Coordinators Association and the Wisconsin Safe and Healthy Schools Training and Technical Assistance Center. When requested, the Office is required to assist a school board or the governing body of a private school in developing or reviewing the school safety plans. In addition, the Office is required to offer, or contract with a state agency to offer, training to school teachers, school counselors, and coaches on school safety. Act 143 allows DOJ to collect fees from schools that receive a grant for the training and creates an appropriation to receive these fees. Training subjects are required to include trauma informed care.

The Office is responsible for administering the grants for school safety and safety-related upgrades to school buildings, equipment, and facilities. Act 143 appropriated \$100 million in GPR funding for this purpose under a continuing appropriation. The Office awarded \$93.2 million for over 1,300 grants in two rounds of funding.

The Office is required to award the grants for expenditures related to improving school safety. The Office must accept grant applications from public schools, private schools, independent charter schools, and tribal schools. The Office developed a plan for awarding the grants, in consultation with DPI, and must include a description of what types of expenditures are eligible to be funded by grant proceeds.

Statute specifies certain eligible expenditures, but does not otherwise limit DOJ authority to determine how grants are awarded or what expenditures are eligible. Eligible expenditures explicitly include expenditures for compliance with DOJ model practices for school safety; expenditures for DOJ school safety training; expenditures for safety-related upgrades to school buildings, equipment, and facilities; and expenditures necessary to comply with requirements to submit school blueprints to law enforcement and the Office of School Safety.

As of September 1, 2022, approximately \$5.8 million remained from the initial \$100 million allocation for programming related to school safety. These programs include funds obligated for critical incident stabilization and a validation study. In addition, funds are earmarked for peer to peer programs and emergency management full scale school violence crisis simulations.

Act 143 provided the Office of School Safety with an unclassified director. The director is appointed by the Attorney General. The Office has a total of 12 positions (3.8 GPR and 8.2 FED positions) and utilizes a number of limited-term employee positions.

In addition to state school safety grants, the Office was awarded \$2.2 million in federal grants to create a Resource Center and has fully expended the grant. The Resource Center was awarded \$1.9 million in additional federal funding provided under the American Rescue Plan Act (ARPA). Note that the ARPA award is for a multi-year period. The Resource Center is intended to provide the following services: (a) develop and implement a state-run threat reporting system; (b) threat assessment consultation; (c) create a critical incident response team; and (d) general school safety guidance. In 2022-23, the Office is budgeted \$1,168,400 all funds.

2021 Act 58, placed \$2,000,000 GPR in the Joint Committee on Finance GPR supplemental appropriation in 2021-22 for school safety mapping grants for release upon request and approval by the Committee. Subsequent to Act 58, 2021 Act 109 was enacted to allow school boards and the governing bodies of private schools to submit critical incident mapping data, in lieu of blueprints, to the relevant law enforcement agency and the OSS, and similarly requires the OSS to compile such data and maintain its confidentiality, subject to the exception allowing law enforcement access upon request. Further, Act 109 created a grant program to fund school critical incident

mapping. Under the Act, DOJ is required to award grants to school boards and the governing bodies of private schools to assist in complying with statutory requirements to submit blueprints or critical incident mapping data for each school building and facility to local law enforcement agencies and OSS. Act 109 required DOJ to submit an annual report providing an account of the awarded grants and the expenditures made with the grant moneys to the Co-Chairs of the Joint Committee on Finance.

On May 31, 2022, JFC released the funds for grants to DOJ. The Department would allow school districts and private school governing bodies to apply for up to \$5,000 per school building, totaling up to \$200,000 per school district or private school governing body. According to DOJ, award amount limits are intended to ensure the equitable availability of funding for critical incident mapping. The Department anticipates funding would be sufficient to support the mapping of at least 400 school buildings.

The Department has received 103 applications of which 70 awards were approved for disbursement with 34 applications left to be reviewed. As of December 1, 2022 no awards have been completed.

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### **Court Appointed Special Advocates**

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Under 2017 Act 255, the Wisconsin Court Appointed Special Advocate Association (CASA Association) was provided grant funding of \$250,000 GPR each fiscal year. In addition, Act 255 requires the CASA Association to submit an annual report describing the use of the grant funds to the Governor, Joint Committee on Finance, and the appropriate standing committees of the Legislature. The Association trains advocates who are then appointed by a judge to advocate for a child,

or sibling group, who are in the child welfare system.

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### **Community-Oriented Policing Housing**

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Under 2021 Act 58 an annual GPR appropriation under s. 20.455 (2)(cp), was created to allow DOJ to issue grants for community-oriented policing (COP) houses. Act 58 also placed \$1,000,000 GPR in 2021-22 in the JFC GPR supplemental appropriation to fund these grants.

Under 2021 Act 51, cities with a population of 30,000 or more are eligible for the grants. The act requires that DOJ use the following criteria when determining grant awards: (a) maximize grant resources to serve the greatest number of people and the greatest number of cities; (b) the city's plan to integrate the community-oriented policing house into the fabric of the community and the neighborhood; (c) future ability to use the community-oriented policing house for multiple purposes, including building relationships between law enforcement and the community and connecting residents of the neighborhood to community supports; and (d) the ability for community organizations, government agencies, faith-based organizations, and other nonprofit entities to use the community-oriented policing house once it is established. On May 31, 2022, JFC released the funds for grants to DOJ.

In 2022-23, the Department administered the COP House program grants in two rounds of funding: the first to support planning activities; and the second to support the acquisition of housing. The Department allocated a total of \$324,000 to the first grant opportunity (maximum of \$36,000 per agency) to allow grantees to engage in a four-month planning process and a performance period from July 1, 2022, to October 31, 2022. The planning award funding could be used by grant recipients to pay staff or contractors for research,

planning and relationship building activities necessary to start a program, and the identification of housing for purchase.

The second grant opportunity opened in November, 2022, for agencies awarded planning grants that complete the planning process and that are interested and ready to begin housing acquisition. The remaining grant funding of at least \$676,000 will be awarded for the purchase and rehabilitation of housing, with an anticipated grant performance period of January 1, 2023, to June 30, 2023.

According to DOJ, the grant program is intended for cities establishing new COP house programs and is open to agencies participating in the state Law Enforcement Officer ("Beat Patrol") grant program. Since the City of Racine has already established a COP House program with six houses, DOJ indicates it would not be eligible for this particular grant program. As indicated previously, Beat Patrol grants are awarded to the ten cities (currently including Racine) with populations of 25,000 or more that apply and have the highest rates of violent crime. Consequently, eligible agencies for COP House grants would be departments in the cities of Beloit, Green Bay, Kenosha, Madison, Manitowoc, Milwaukee, Sheboygan, Wausau and West Allis (in 2022-23, all cities currently receiving the Beat Patrol grant have a population of 30,000 or more).

As of December, 2022, one planning grant for \$36,000 was awarded to the Wausau Police Department. This agency was the only potential applicant that applied. The planning grant ended on November 30, 2022. Subsequent to the planning grant, the police department will decide if it is ready to move on to the house acquisition phase of the project. The next phase would provide funding for them to purchase a house.

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## Body Cameras

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A continuing GPR appropriation was created in 2021 Act 58 to allow DOJ to issue grants to law enforcement agencies for the purchase of body-worn cameras (BWCs). Act 58 also placed \$2 million GPR in 2021-22 in the Joint Committee on Finance's GPR supplemental appropriation for law enforcement agency BWC grants.

2021 Act 185 requires DOJ to award grants to law enforcement agencies in Wisconsin to purchase BWCs for the officers employed by the agency. For purposes of eligibility for the grant program, the act defines "law enforcement agency" to include an agency of a Wisconsin political subdivision, an agency of a federally recognized Indian tribe or band, and the Marquette University police department, but excludes any agency of the state.

A law enforcement agency applying for a grant must include: (a) a proposed plan of expenditure, including an estimated cost per BWC and the number of cameras needed; (b) a statement of intent to match the grant award and to maintain the equipment and adequate digital video storage for at least three years; and (c) an anticipated amount of time before the agency is able to equip with a BWC all officers who have primary duties involving traffic patrol, beat patrol, or responding to public calls. The act specifies that more than one law enforcement agency may jointly apply.

Further, for at least three years from the date of a grant award, a grant recipient must do all of the following: (a) equip with a BWC all officers who have primary duties involving traffic patrol, beat patrol, or responding to calls from the public requiring assistance; and (b) require an officer equipped with a BWC to activate the camera in situations in which the officer has an enforcement

or investigation contact with a member of the public, including a traffic stop, arrest, search, interrogation or interview, or in any other situation in which the officer has contact with a member of the public that becomes adversarial after the initial contact.

Under the act, grant funds may be used only to cover the costs of BWCs, digital storage, and retrieval systems. Grant recipients must provide an equal match and are authorized to use contributions, gifts, or other grants as part or all of the matching requirement. Further, grant funds may not supplant existing resources and may not be used to hire employees or pay salaries.

The act requires DOJ to attempt to award grants to all qualifying law enforcement agencies that apply. If funds are insufficient to make awards to all applicants, DOJ must consider fairness

among different population areas and need based on crime rates. Further, DOJ and the Department of Administration must work together to develop options for reducing the cost of BWC data storage. In addition, within 90 days of the act's effective date, DOJ must consult with BWC vendors to find cost-saving measures that a law enforcement agency may use when estimating the cost of BWCs in a grant application or when acquiring BWCs using grant funds. On May 31, 2022, JFC released the funds for grants to DOJ.

In 2022-23, DOJ began taking and reviewing applications. As of December, 2022, no awards have been made. Awards will be made on a rolling basis as grants are deemed acceptable per the statutory requirements for the program. The grant performance period for the awards will start on January 1, 2023.

*PROSECUTORIAL RESPONSIBILITIES OF DISTRICT ATTORNEYS*

There are 71 district attorneys in Wisconsin. Under Article VI, Section 4 of the Wisconsin Constitution, a district attorney (DA) is elected to a four-year term at the general election held in each presidential election year. Each county in the state is termed a "prosecutorial unit," except that Shawano and Menominee Counties form a two-county prosecutorial unit and jointly elect a single district attorney. Under current law, district attorneys are part-time positions in Buffalo (0.6), Florence (0.6), and Pepin (0.8) Counties, and are full-time in all other prosecutorial units.

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**Duties and Responsibilities  
of District Attorneys**

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District attorneys are required to perform the following duties within their respective prosecutorial units:

1. Prosecute all criminal actions in state courts.
2. Except as otherwise provided by law, prosecute all state forfeiture actions, county traffic actions and actions concerning violations of county ordinances which are in conformity with state criminal laws.
3. Participate in John Doe proceedings (proceedings to determine whether a crime has been committed and by whom).
4. When requested, appear before grand juries to examine witnesses and provide advice and legal services to the grand jury.
5. Assist the Departments of Children and

Families and Health Services in conducting welfare fraud investigations.

6. At the request and under the supervision of the Attorney General, brief and argue felony and other significant criminal cases, brought by appeal or writ of error or certified from a county within the DA's prosecutorial unit, to the Court of Appeals or Supreme Court.

7. Commence or appear in certain civil actions.

8. Commence or appear in sexually violent person commitment proceedings.

9. Perform duties in connection with certain court proceedings under the Juvenile Justice Code (Chapter 938), including juvenile delinquency actions.

10. Enforce certain provisions relating to the sale, transportation and storage of explosives.

In addition to these duties, a county has the option of designating the district attorney as its representative in certain proceedings involving children or juveniles. These proceedings include matters relating to: (a) children or juveniles alleged to have violated civil laws or ordinances; (b) children alleged to be in need of protection or services; (c) the termination of parental rights to a minor; (d) the appointment and removal of a guardian; and (e) the adoption of children.

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**District Attorney Funding and Staffing**

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While some counties have a single district

attorney to perform the duties identified above, most DAs have one or more assistant DAs who are also authorized to perform the duties. Assistant DAs must be admitted to practice law in this state. If a county has a population of 100,000 or more, the DA may also appoint between one and seven deputy DAs, depending on the county's total population. Deputy DAs perform supervisory and administrative responsibilities in addition to prosecuting cases.

Prior to January 1, 1990, district attorneys, deputy DAs, and assistant DAs (ADAs) were county employees. Under 1989 Wisconsin Act 31, prosecutors became state employees on January 1, 1990, and the state now pays for prosecutors' salaries and fringe benefits.

On the date of transition to state service, 332.05 prosecution positions became state employees. As of September, 2022, 456.4 GPR prosecutor positions were authorized. Of the 456.4 prosecutors statewide, 70.0 are elected DAs, 26 are Deputy DAs, and the remaining 360.4 are ADAs. Salary and fringe benefit funding for DAs, ADAs, and deputy DAs in 2022-23 (including amounts to make salary adjustments under the pay progression plan, discussed below) is \$53,641,200 GPR, \$3,676,000 PR, and \$636,900 FED.

Under 2019 Act 9, \$3,581,900 GPR in 2019-20 and \$4,784,900 GPR in 2020-21 and 61.46 additional prosecutor positions were provided. These positions were allocated to 56 counties as directed by the Governor. Further, under 2021 Act 59, \$457,800 GPR in 2021-22, \$562,300 GPR in 2022-23, and an additional 7.4 positions were provided. Table 16 shows the total number of prosecutor positions authorized for each county in 2022.

In addition DAs and ADAs, in order to prosecute a case, a court may appoint a special prosecutor on its own motion or at the request of a district attorney to perform the same duties as a state-employed prosecutor. Before a court appoints a

**Table 16: GPR State Prosecutor Positions 2022**

County	Positions	County	Positions
Adams	2.0	Marathon	13.0
Ashland	2.6	Marinette	3.0
Barron	4.0	Marquette	1.6
Bayfield	1.7	Milwaukee	90.0
Brown	16.0	Monroe	5.0
Buffalo	1.2	Oconto	2.0
Burnett	2.0	Oneida	2.5
Calumet	3.0	Outagamie	11.0
Chippewa	6.0	Ozaukee	4.6
Clark	2.0	Pepin	0.8
Columbia	6.0	Pierce	3.0
Crawford	1.0	Polk	4.0
Dane	28.0	Portage	6.0
Dodge	5.0	Price	1.5
Door	2.0	Racine	20.0
Douglas	5.0	Richland	1.8
Dunn	5.0	Rock	15.0
Eau Claire	10.0	Rusk	2.0
Florence	0.6	Sauk	6.0
Fond du Lac	8.0	Sawyer	3.0
Forest	2.0	Shawano/Menominee	4.0
Grant	2.0	Sheboygan	9.5
Green	3.0	St. Croix	7.0
Green Lake	2.0	Taylor	1.5
Iowa	2.0	Trempealeau	2.0
Iron	1.0	Vernon	2.0
Jackson	3.0	Vilas	2.0
Jefferson	6.0	Walworth	6.0
Juneau	3.0	Washburn	2.0
Kenosha	16.0	Washington	6.4
Kewaunee	1.5	Waukesha	17.0
Lacrosse	10.0	Waupaca	4.0
Lafayette	1.5	Waushara	2.6
Langlade	2.5	Winnebago	12.0
Lincoln	3.0	Wood	6.0
Manitowoc	7.0	Total	456.4

special prosecutor for an appointment that exceeds six hours per case, the court or requesting district attorney must request assistance from a prosecutor from another prosecutorial unit, or an assistant attorney general at the Department of Justice. A court may appoint an attorney as a special prosecutor at the request of the district attorney to assist the DA in a prosecution, grand jury proceeding, sexually violent person commitment proceeding, or an investigation. The court may appoint an attorney as a special prosecutor only if the judge or the requesting DA submits an affidavit to the Department of Administration attesting that any of the following conditions exists: (a) there is no district attorney; (b) the district attorney is absent; (c)

the district attorney, or a deputy or assistant district attorney, is on parental leave; (d) the district attorney has acted as the attorney for a party accused in relation to the matter of which the accused stands charged or for which the accused is to be tried; (e) the district attorney is near of kin to the party to be tried on a criminal charge; (f) the district attorney is unable to attend to his or her duties due to a health issue or a mental incapacity that impairs his or her ability to substantially perform his or her duties; (g) the district attorney is serving in the armed forces; (h) the district attorney is charged with a crime; or (i) the district attorney determines that a conflict of interest exists regarding the district attorney or the district attorney staff.

A court may not appoint an attorney as a special prosecutor to assist the district attorney in John Doe proceedings unless one of the requisite conditions identified above exists, or unless the judge receives a complaint that relates to the conduct of the district attorney to whom the judge would otherwise refer the complaint.

The state pays for the compensation of special prosecutors, while other expenses reimbursed to special prosecutors are paid by counties. Generally, any private attorney appointed as a special prosecutor is paid by the state at the following rates, as specified under 977.08(4m)(b) of the statutes: (a) \$50 per hour for time spent in court; (b) \$40 per hour for time spent out of court; and (c) \$25 per hour for time spent in travel related to a case if the trip is outside the county in which the attorney's principal office is located or if the trip *requires* travelling a distance of more than 30 miles, one way, from the attorney's principal office. Judges, on occasion, establish a rate of pay for the special prosecutor that is higher than the statutorily defined rate due to the special prosecutor's level of experience and the complexity of the case. In order to be reimbursed by the state, private attorneys serving as special prosecutors must submit a listing of the time they spent on a case to the court for approval. If a special prosecutor is not

paid within 120 days of the court approving their compensation, the special prosecutor receives interest, at a rate of 12% compounded monthly.

Payments to special prosecutors are made from the District Attorney's annual GPR appropriation. In 2020-21, the state incurred \$133,182 GPR in special prosecutor expenses. In 2021-22, the state incurred \$155,111 GPR in special prosecutor expenses. Due to budgetary considerations, some of the payments made to special prosecutors in 2020-21 and 2021-22 were for services rendered in prior fiscal years. Table 17 identifies for 2020-21 and 2021-22 payments made by the state to special prosecutors (excluding interest), by county.

Other than for the state-funded costs of prosecutors' salaries and fringe benefits, the remaining staff costs of DA offices are generally the responsibility of counties. The only exception is that 6.0 clerk positions in the Milwaukee County District Attorney's office are supported through a

**Table 17: Payments to Special Prosecutors By County, 2020-21 and 2021-22**

County	2020-21	2021-22
Ashland	\$673	
Brown		\$40,050
Burnett	1,217	
Columbia	5,720	7,833
Florence	1,410	808
Green Lake		5,081
Iron	4,656	
Kenosha	2,765	20,500
Manitowoc	1,063	
Milwaukee	46,023	62,754
Ozaukee		908
Polk	1,957	
Racine	6,080	2,300
Rusk		7,780
Sauk	710	394
Sheboygan	10,560	
St Croix		4,825
Waukesha	8,820	
Waushara	<u>41,529</u>	<u>2,687</u>
Total	\$419,913	\$250,190

special prosecution clerks fee. This \$3.50 fee is assessed only in Milwaukee County whenever a person pays: (a) a fee for any civil, small claims, forfeiture (except for safety belt use violations), wage earner or garnishment action; or (b) files an appeal from municipal court, a third party complaint in a civil action, or a counterclaim or cross complaint in a small claims action. The fee supports staff serving prosecutors who handle violent crime and felony drug violations in Milwaukee County's speedy drug and violent crime courts (4.0 clerks) and violations relating to the unlawful possession or use of firearms (2.0 clerks). In 2022-23, \$305,000 PR is budgeted to fund the salary and fringe benefit cost of these clerk positions.

In order to administer the state's responsibility as employer of DAs, deputy DAs, and assistant DAs, 1989 Act 31 created the State Prosecutors Office in the Department of Administration (DOA). The State Prosecutors Office is responsible for coordinating DOA administrative duties relating to district attorney offices. Major responsibilities of the Office include: (a) payroll; (b) fringe benefits; (c) budgets; (d) billing counties for program revenue positions; (e) collective bargaining (restricted to salary increases only); (f) advising elected DAs on their rights and responsibilities under the state compensation plan, Department of Administration Division of Personnel Management administrative code, and the statutes; (g) producing fiscal notes and bill analyses for legislative proposals affecting DAs; and (h) serving as a central point of contact for all prosecutors. The State Prosecutors Office is budgeted \$153,700 GPR and 1.0 position in 2022-23.

The District Attorney Information Technology (DA IT) program, administered by DOA, provides IT services and support in district attorney offices statewide. Budgeted funding for the program in 2021-22 is \$4,272,800 and 2021-22 is \$4,273,000 PR, supported with an allocation from the \$21.50 justice information system surcharge.

Under the program, DA offices transitioned from independent county networks to a statewide platform, implemented a statewide case management system (PROTECT), and coordinated with the Circuit Courts, the Departments of Justice and Corrections, the Wisconsin State Patrol, and local law enforcement agencies on shared interfaces. Examples of such collaborations include: (a) an interface with the state court system's database (CCAP) in DA offices to provide a two-way transfer of case data; (b) an interface to the criminal history repository to provide updated criminal history records to DA offices; (c) an interface with law enforcement agencies to electronically process referrals; (d) an interface with the Department of Corrections to provide crime victims information from Corrections' notification service; and (e) a criminal eFiling system for all case types.

In addition to the general prosecutor positions authorized for county DA offices, there are currently two types of specialized state-funded prosecutor positions. First, both Brown County and Milwaukee County have 1.0 GPR-funded sexually violent person commitment prosecutor position. These sexually violent person prosecutors are hired and assigned by the DA of Brown County and Milwaukee County, respectively. Under s. 978.043 of the statutes, these two positions may only engage in proceedings related to the civil commitment of sexually violent persons. While these positions are primarily responsible for such proceedings in Brown and Milwaukee Counties, these prosecutors may also be assigned to similar types of cases in other counties in the state. In calendar year 2021, the Brown County sexually violent person commitment prosecutor handled 50 cases, including three original cases and 47 post-commitment petitions for supervised release or discharge. In calendar year 2021, the Milwaukee County sexually violent person commitment prosecutor handled 88 cases, including two original cases, 11 cases in which the offender was discharged, and 11 post-commitment petitions for supervised release.

Second, 1.0 PR-supported statewide DNA evidence prosecutor position has been assigned to Milwaukee County. This position is funded from the \$13 crime laboratory and drug law enforcement surcharge (which is imposed in certain criminal and forfeiture actions) and the DNA surcharge (which is imposed whenever a court imposes a sentence or places a person on probation, totaling \$250 for each felony conviction and \$200 for each misdemeanor conviction). This PR-funded DNA evidence prosecutor position is primarily responsible for: (a) prosecuting criminal cases where DNA evidence plays a critical role; (b) developing and presenting appropriate training sessions statewide relating to the use of DNA evidence; and (c) providing expert advice on DNA evidence to a variety of criminal justice agencies in the state.

The three most significant sources of support for program revenue-funded prosecutor positions are the Violence Against Women Act (VAWA) federal grant program, federal Title IV-E funding under the Social Security Act, and the federal Edward Byrne Memorial Justice Assistance Grant Program. These three revenue sources provide support for approximately 60% of the PR funded prosecutorial positions.

There are a number of grant programs authorized under the federal Violence Against Women Act (VAWA). The purpose of these grant programs is to develop and strengthen the criminal justice system's response to violence against women and to support and enhance services for victims. As of September, 2022, 9.0 PR authorized prosecutor positions were supported with funds from these VAWA grant programs.

Title IV-E funds under the federal Social Security Act are available to support prosecutorial positions providing legal services for child welfare actions under the Children's Code (Chapter 48 of the statutes), primarily involving children in need of protection and services and termination of parental rights actions. As of September, 2022, 9.5 PR authorized prosecutor positions were

supported with Title IV-E funding.

Wisconsin's share of the Federal Byrne Justice Assistance Grant (JAG) funds is awarded: (a) directly to the local governments; and (b) to the State for further sub-grant programs and statewide initiatives. Wisconsin's Department of Justice is in charge of awarding the state's share of JAG funds for sub-grant programs. Funds for the program may be used for, among other things, funding personnel, training, and equipment relating to criminal prosecution and law enforcement programs. As of September, 2022, 9.0 PR authorized prosecutor positions were supported with Byrne funds.

On March 15, 2022, the Governor announced that \$10.6 million in American Rescue Plan Act (ARPA) funding would be used to support 30 ADAs in 28 counties to address existing caseloads and court backlogs due to the pandemic. Further, Milwaukee County received an additional 15 ADA positions. Funding may also be used for operational expenses and must be expended by April, 2024.

Under current law, the salaries of DAs are established under the biennial state compensation plan. The compensation plan must establish separate salary rates for DAs depending on the population size of each prosecutorial unit. The rate of office each DA is paid is the rate in effect on second Tuesday of July preceding the commencement of his or her term of office. The rate of office for DAs beginning terms in January, 2021 are shown in Table 18.

The range of assistant DA and deputy DA compensation is established under a state compensation plan developed by the Division of Personnel Management within DOA and approved by the Joint Committee on Employment Relations. Under the 2021-23 state compensation plan, the minimum assistant DA and deputy DA salary is \$27.24 per hour (\$56,659 annually) and the maximum is \$65.76 per hour (\$136,781

**Table 18: District Attorney Salaries**

Prosecutorial Unit Population	Salary
More than 750,000	\$145,288
250,000 to 750,000	131,456
100,000 to 250,000	124,842
75,000 to 100,000	124,842
50,000 to 75,000	118,872
35,000 to 50,000	118,872
20,000 to 35,000	106,288
Not more than 20,000	106,288

annually). In addition to the maximum salary rate, deputy district attorneys may receive up to a \$2.75 per hour add-on (\$5,720 annually), based on merit, because of supervisory or managerial responsibilities.

Under 2011 Act 238, the Legislature created an annual pay progression plan for assistant DAs to provide increased compensation for assistant district attorneys. The pay progression plan was then expanded under 2013 Act 20 to include deputy DAs, assistant public defenders, and assistant attorneys general. The pay progression plan for assistant and deputy DAs consists of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest salary and the highest salary. [As noted above, in addition to the salary under the pay progression plan, deputy DAs may be awarded an hourly add-on based on merit.]

Notwithstanding the creation of a 17 hourly salary step pay progression plan, supervising DAs are authorized to: (a) deny annual salary increases to individual assistant DAs or deputy DAs; and (b) increase the salary of individual assistant DAs or deputy DAs by up to 10% per year. Even at the minimum annual salary of \$56,659, a 10% annual wage increase (\$5,666) exceeds the value of the current hourly step (\$4,534).

In the 2021-23 biennium, \$471,500 GPR in 2021-22 and \$1,503,800 GPR in 2022-23 was provided to the District Attorneys to make awards to assistant DAs and deputy DAs under the pay progression plan. The amounts provided were

intended to support a \$1.09 per hour (\$2,267 annually) increase for eligible ADAs and DDAs. A \$1.09 per hour salary increase represented one half step under the pay progression plan.

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### Prosecutorial Workload

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The Wisconsin District Attorneys Association (WDAA) is an association of elected DAs, deputy DAs, and assistant DAs that meet to discuss various issues that affect DAs. Since DAs do not have an official state governing board, the WDAA acts, *de facto*, on behalf of elected DAs. The WDAA utilizes a caseload measurement of prosecutorial workload to estimate the need for prosecutors in the 71 DA offices across the state. While the Governor and the Legislature approve changes in authorized position authority for the DA function, neither the Governor nor the Legislature independently reviews and approves changes made to the caseload measurement by the WDAA. Rather, changes to the caseload measurement of prosecutorial workload and the methodology employed to make these changes are determined solely by the WDAA. The WDAA caseload measurement of prosecutorial workload is intended to identify the number of prosecutors that could be added to or deleted from DA offices across the state to permit prosecutors, on average, to work 40-hour work weeks.

Based on recommendations included in a December, 1995 Legislative Audit Bureau (LAB) audit, the WDAA caseload measurement of prosecutorial workload estimates the number of hours that a full-time prosecutor has available per year for prosecution. A full-time prosecutor begins with 2,088 hours per year available for prosecution (this assumes a 40 hour work week). The caseload measurement then reduces this estimate of available time by seven and a half weeks per year (300 hours) attributable to the number of state holiday hours, personal hours, sick leave, and vacation

time per prosecutor.

The caseload measurement then reduces the estimate of available time by an additional 15 and a half weeks per year (626 hours) associated with various other responsibilities of prosecutors that do not involve the prosecution of criminal and other cases for which prosecutors receive credit under the WDAA's caseload measurement of prosecutorial workload. The WDAA caseload measurement estimates that, on average, a prosecutor spends: (a) five weeks per year (200 hours) reviewing law enforcement referrals for cases that are not charged and investigative work with law enforcement; (b) more than four weeks per year (169 hours) on general administrative duties, prosecutor training, community service, service on boards and commissions, and providing training for law enforcement; (c) two and a half weeks per year (100 hours) on contested civil ordinance and civil traffic cases; (d) 50 hours per year on criminal appeals; (e) 30 hours per year on search warrants; (f) 25 hours per year on post-conviction hearings; (g) 20 hours per year on John Doe proceedings; (h) 20 hours per year on document subpoenas; and (i) 12 hours per year on wage claims, public record requests, writs, weatherizations, and probation revocations.

In total, the WDAA estimates that for approximately 23 working weeks per year (926 hours) a full-time prosecutor's time is reserved for the activities and leave time addressed above. The WDAA estimates that a full-time prosecutor has the remaining 29 working weeks per year (1,162 hours) available to prosecute specific cases for which a prosecutor receives credit under the WDAA caseload measurement of prosecutorial workload, including all criminal cases. Based on recommendations included in the 1995 LAB audit, the WDAA caseload measurement of prosecutorial workload then estimates the number of prosecutorial hours required for different types of cases. Table 19 identifies the case weights assigned by the WDAA to various types of cases.

**Table 19: Case Weights Adopted by the WDAA**

Case Type	Hours Per Case
Class A homicides	160.00
1 <sup>st</sup> Degree reckless homicides	160.00
Sexual predator	100.00
Other homicides	80.00
Inquests	64.00
2 <sup>nd</sup> and 3 <sup>rd</sup> strike non-homicides	50.00
Termination of parental rights	35.00
Security fraud	30.00
All other felony cases	8.49
Children in need of protection and services	6.00
CHIPS Extensions	3.50
Guardianships	3.50
Juvenile delinquency	3.44
Misdemeanors	2.91
Criminal traffic	2.91
Writs of habeas corpus	2.00

Finally, the WDAA caseload measurement of prosecutorial workload multiplies the number of annual cases for each case type by the estimated number of hours required to complete the case type, to determine the annual number of prosecutorial hours for each prosecutorial office and statewide. This estimate of prosecutorial hours is divided by 1,162 hours (the number of hours available per year per full-time prosecutor for prosecution) to estimate the number of prosecutors needed for each prosecutorial office and statewide.

Based on a three-year average of cases filed in calendar years 2019 through 2021, the WDAA caseload measurement of prosecutorial workload estimates that 577.17 prosecutors would be needed across the state in order to permit prosecutors, on average, to address their caseload and work 40-hour work weeks. This would represent a 22% increase in the number of authorized prosecutor positions when compared to the number of authorized prosecutor positions identified by the State Prosecutors Office as of September, 2022 (473.9).

The hourly weights for various activities and case types in the WDAA caseload measurement are not based on a recent time study in which prosecutors tracked the amount of time spent on these specific activities and case types.

*PROSECUTORIAL AND RELATED RESPONSIBILITIES OF THE DEPARTMENT OF JUSTICE*

While district attorneys are primarily responsible for prosecuting criminal and juvenile delinquency offenses at the trial or hearing level, DOJ's Division of Legal Services represents the state in felony and other significant criminal and juvenile delinquency cases on appeal. In addition, the Division: (a) represents the state in prisoner and sexually violent person ("sexual predator") conditions of confinement suits; (b) assists DAs, when requested, in certain criminal prosecutions; and (c) initiates criminal prosecutions and sexual predator commitments under limited circumstances.

These prosecutorial and related functions constitute only a portion of the work of the Division and are primarily the responsibility of the following units in the Division: (a) Criminal Appeals; (b) Civil Litigation; and (c) Criminal Litigation. This chapter discusses the prosecutorial and related workload of each of these units. In addition, this chapter discusses the criminal caseload of the Medicaid Fraud Control and Elder Abuse Unit and the Environmental Protection Unit.

The criminal justice workload of the Division of Legal Services is generally GPR funded, supported by the Division's general program operations appropriation

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### **Criminal Appeals Unit**

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**Statutory Authorization.** Under s. 165.25(1) of the statutes, DOJ is required to represent the state in all appeals of felony convictions to the state Court of Appeals or Supreme Court. Under s. 165.25(1) of the statutes, DOJ also represents the

state in appeals of significant criminal and juvenile delinquency cases. However, at the request of and under supervision of the Attorney General, a district attorney may brief and argue a felony or other significant criminal or juvenile delinquency case before the state Court of Appeals or Supreme Court on appeal from his or her jurisdiction.

Under s. 752.31 of the statutes, misdemeanor, juvenile delinquency, and traffic appeals are normally decided by a single Court of Appeals judge. However, any party to the appeal may request that the case be decided by a three-judge panel.

A district attorney who filed a misdemeanor, juvenile delinquency, or traffic case that is on appeal to a single Court of Appeals judge, must represent the state. However, if a request for a three-judge panel is granted in such an appeals case, the district attorney must transfer all relevant files and papers relating to the case to the Attorney General.

Because of these responsibilities, the Criminal Appeals Unit has a significant criminal justice workload.

**Program Administration.** While most initial felony prosecutions are handled by the district attorney of jurisdiction, the Criminal Appeals Unit is charged with preparing briefs and presenting arguments before state appellate or any federal court hearing a challenge to a felony conviction.

Additionally, the unit evaluates requests for discretionary appeals in the Wisconsin Court of Appeals when a district attorney receives an adverse circuit court ruling in a felony case (for example, dismissal of charges after a preliminary examination hearing or suppression of evidence) or when a circuit court orders a new trial after post-

conviction proceedings. The criminal appeals unit handles any resulting appeal.

The unit also represents the state in state and federal courts on appeals arising from sexual predator commitments, and on appeals of selected misdemeanor, traffic, and juvenile delinquency cases.

While district attorneys are authorized to accept felony and other significant criminal and juvenile delinquency cases on appeal at the request and under the supervision of the Attorney General, this delegation to district attorneys is rarely done.

The Criminal Appeals Unit also defends state criminal convictions in federal habeas corpus proceedings. In a petition for federal habeas corpus relief, a convicted criminal defendant argues in federal district court that his or her conviction and/or sentence should be overturned because it was obtained in violation of the defendant's federal constitutional rights. Attorneys from the Criminal Appeals Unit also represent the state when these habeas corpus cases are appealed to the United States Court of Appeals and to the United States Supreme Court.

The Criminal Appeals Unit prepares and distributes training materials, briefing memoranda, and other publications to assist local prosecutors. Staff of the unit also review and draft legislation affecting the criminal justice system and advise the Governor on extradition matters.

In 2021-22, the criminal appeals unit opened 995 cases and closed 1,451.

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### Civil Litigation Unit

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**Statutory Authorization.** The Civil Litigation Unit is responsible for representing the state in prisoner and sexual predator conditions of

confinement suits. Under ss. 801.02(7) and 893.82(3) of the statutes, a prisoner condition of confinement suit generally may not be brought against an officer, employee or agent of the state for an act committed by such an individual in the performance of his or her duties unless the claimant in the matter serves written notice of the claim on the Attorney General within 120 days of the event. Section 893.82(3m) further stipulates that where the claimant is a prisoner, an action may not be commenced until the earlier of the Attorney General's denial of the claim or 120 days after the notice has been served on the Attorney General, unless a court finds that there is a substantial risk to the prisoner's health or safety.

Under s. 165.25(6) of the statutes, the Attorney General may, at the request of the head of any department of state government, defend any state department, officer, employee, or agent in a civil action or other matter in a court or administrative agency relating to any act committed by the state department, officer, employee, or agent in the lawful course of their duties.

**Program Administration.** The nature of the prisoner and sexual predator conditions of confinement lawsuits and the focus of the unit's work are substantially the same for both types of cases.

Typically, these types of lawsuits involve one or more allegations of the following acts committed by state officers, employees, or agents: (a) allegations of religious discrimination; (b) failure to provide adequate medical care; (c) excessive force by staff; (d) denial of access to court; (e) interference with privacy of mail communications; (f) failure to allow mailings of certain kinds of literature; (g) denial of access to a notary public; (h) failure to follow due process and administrative rule requirements in imposing discipline; (i) erroneous application of administrative code or prison policy when imposing discipline; (j) erroneously calculating prison release date; (k) illegal revocation of probation, extended supervision, or parole;

(l) negligence; (m) unconstitutional strip search; (n) harassment and retaliation for suing staff; (o) cruel and unusual punishment; (p) unlawful denial of visitors; (q) invalid transfer from one facility to a more restrictive facility; (r) erroneous security classification; (s) denial of the right to speak in a foreign language in the presence of officers; (t) denial of access to rehabilitation programs necessary to enhance parole eligibility; (u) errors in denying discretionary parole; and (v) invalid confiscation of contraband.

The Civil Litigation Unit normally seeks dismissal of these suits before they reach the trial stage, either through motions to dismiss for failure to state a claim or failure to exhaust administrative remedies, or by a motion for summary judgment. If such motions are denied, the case proceeds to trial. Cases are tried in both state and federal courts. Any appeals from such cases are also handled by the unit's attorneys.

In 2021-22, the unit opened 318 prisoner conditions cases and closed 372 such cases. In addition, during 2021-22, the unit opened three sexual predator condition of confinement cases and closed two.

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## Criminal Litigation Unit

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**Statutory Authorization.** Attorneys in the Criminal Litigation Unit frequently act as "special prosecutors."

Under s. 978.045 of the statutes, a court may appoint a special prosecutor either on its own motion or at the request of a district attorney. A special prosecutor has all of the powers of a district attorney and may assist a district attorney in the prosecution of persons charged with a crime, in grand jury or John Doe proceedings, in sexually violent person commitment proceedings, or in

investigations.

Further, before a court makes a special prosecutor appointment that exceeds six hours per case, the court or the requesting district attorney must request assistance from staff in other prosecutorial units or from an assistant attorney general in DOJ's Criminal Litigation Unit.

Section 165.255 of the statutes provides that DOJ may represent the state in commitment proceedings for sexually violent persons under Chapter 980.

Under s. 165.60 of the statutes, the Department of Justice is authorized to enforce Chapter 108 of the statutes (Unemployment Insurance and Reserves). Furthermore, under s. 108.14(3m) of the statutes, the Department of Workforce Development, the Labor and Industry Review Commission, or the state may request representation from the Department of Justice in cases regarding unemployment insurance fraud. The Criminal Litigation Unit is responsible for handling such cases regarding unemployment insurance fraud.

Finally, under s. 165.25(3) of the statutes, DOJ is required to consult and advise with district attorneys, when requested by them, in all matters pertaining to the duties of their office. This consultation frequently involves the Criminal Litigation Unit.

**Program Administration.** Unit attorneys act as "special prosecutors" throughout Wisconsin by court motion or at the request of a district attorney. Frequently, these appointments involve homicide and white-collar crime cases, and other cases where the district attorney is unable to act. Most of the unit's criminal prosecutions result from such "special prosecutions." The unit's remaining criminal prosecutions involve cases for which the Department has original jurisdiction to initiate the criminal case. Table 20 identifies the criminal referrals to the unit by case type and case disposition for 2021-22.

**Table 20: Criminal Referrals**

	2021-22
<i>Case Type</i>	
Special Prosecution	11
Assistance Request	24
Original Jurisdiction	<u>10</u>
Total	45
<i>Case Resolution</i>	
Charged	19
No Charge or Ongoing Investigation	<u>7</u>
Total	26

Unit attorneys also handle sexual predator commitments and currently process a significant portion of all such commitments in the state. Under current law, a petition alleging that an individual is a sexually violent person may be filed by either: (a) DOJ, at the request of the agency with the authority or duty to release or discharge the person (either the Department of Corrections or the Department of Health Services); or (b) a district attorney. If an individual is found guilty of a sexual violent offense, he or she is sentenced to prison, while if an individual is found not guilty of or not responsible for a sexually violent offense by reason of insanity or mental disease, defect, or illness, he or she is committed to an institution under the Department of Health Services (DHS). Subsequent to an individual serving a prison sentence or being released from the care of DHS for having committed a sexually violent offense, the individual may be committed to DHS as a sexually violent person based on the petition filed by DOJ or a district attorney. If, after a trial, an individual is determined to be a sexually violent person, the court must enter a judgment on the finding and commit the person as a sexually violent person. In that event, the court must order the person committed to the custody of DHS for control, care, and treatment until the person is no longer a sexually violent person.

In 2021-22, the unit received 12 sexually violent person referrals and assumed these referrals. All other sexually violent person commitments

were handled by district attorneys. Sexual predator commitment cases assumed by the Department generally stay open for an extended period of time as there are ongoing annual evaluations of sexual predator commitments. In 2021-22, the unit represented the state in 70 post-commitment proceedings.

The Criminal Litigation Unit meets the Department's statutory responsibility to consult and advise with district attorneys, in part, through the staffing of an on-call service that state prosecutors can contact for advice. Further, the unit targets publications and training sessions to local prosecutors. In addition, the unit sponsors training for newly elected district attorneys. This training reviews the duties of the office of district attorney and highlights the resources that are available through DOJ and other state and federal agencies.

In addition to its duties discussed above, the Criminal Litigation Unit handles cases regarding the enforcement of unemployment insurance regulations. These cases are generally referred to the unit by the Department of Workforce Development. In 2021-22, the unit handled nine unemployment insurance fraud cases.

Under 2017 Act 261, \$300,000 and 2.0 GPR attorney project positions were created to assist the Division of Criminal Investigation (DCI) in the field offices of Wausau and Appleton and to assist district attorneys in the prosecution of drug-related offenses. The project positions terminate after five years (current law limits project positions to four years). The Department of Justice is required to submit an annual report to the Joint Committee on Finance on the project prosecutor attorney positions that describes the activities and assesses the effectiveness of the attorneys in assisting DCI in the Appleton and Wausau field offices. In 2021, the project attorneys assisted with 63 drug related cases.

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## Medicaid Fraud Control and Elder Abuse Unit

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**Statutory Authorization.** The Medicaid Fraud Control and Elder Abuse Unit (MFCEAU) investigates and prosecutes crimes committed against vulnerable adults in nursing homes and other facilities, as well as fraud perpetrated by providers against the Wisconsin Medicaid program. Under ss. 49.49 and 49.846 of the statutes, DOJ and the district attorneys are responsible for prosecution of criminal laws affecting the medical assistance program, including Medicaid fraud, as well as the health, safety and welfare of recipients of medical assistance. The unit also prosecutes civil enforcement actions affecting Medicaid.

**Program Administration.** The Department of Justice is the state agency responsible for conducting a statewide program for the investigation and prosecution of providers that defraud the Wisconsin Medicaid program. In 2021-22, the unit received 53 referrals, opened 40 investigations, closed 65 investigations, and obtained three criminal convictions for Medicaid fraud. Unit attorneys are also periodically appointed special prosecutors by district attorneys for Medicaid-related offenses.

In addition to the Medicaid fraud workload, in 2021-22, the unit received 71 referrals, opened 11 cases, and closed five investigations related to elder abuse. Two criminal convictions related to elder abuse were obtained in 2021-22.

In Medicaid fraud cases, restitution recovered by the unit is used to reimburse the Wisconsin Medicaid program. In cases of elder abuse, recovered restitution is used to reimburse either the Medicaid program, identified victims, or both, depending on the court judgment. In both Medicaid fraud cases and cases of elder abuse, fines and forfeitures are deposited in the common school fund.

In 2021-22, the unit recovered \$3,124,500 in restitution.

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## Environmental Protection Unit

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**Statutory Authorization.** Primarily under ss. 30.03 and 299.95 of the statutes, the Attorney General is required to enforce several environmental law chapters which include criminal provisions. In addition, s. 978.05(8)(b) of the statutes provides that district attorneys may request DOJ to assist in the investigation and prosecution of any matter for which a district attorney has jurisdiction. District attorneys have duties to prosecute criminal violations of certain fish, wildlife and environmental laws. Typically a district attorney will request that DOJ prosecute a case when: (a) the district attorney or a member of the staff has a conflict of interest; (b) the case is of such a magnitude or specialty that the district attorney could not adequately attend to his or her other duties upon attending to the case; (c) the case is outside the area of the district attorney's expertise and is within the expertise of the assistant attorney general; or (d) the case involves the same crime committed in several counties.

**Program Administration.** The Department of Natural Resources' (DNR) conservation enforcement wardens and environmental enforcement specialists, assisted by regulatory program staff, perform audit, investigation and enforcement functions with respect to state environmental laws. Generally, DNR applies a "stepped enforcement" process with the violator in an attempt to obtain compliance, prevent further violations, and avoid escalation of enforcement measures. However, if there are serious, damaging, continuous, or repetitive violations, the staff present their evidence and facts in an enforcement referral packet to DNR Division of Enforcement and Science staff for review and recommendation to the DNR Sec-

retary. If approved, the DNR Secretary sends a letter requesting enforcement, copied to the violator, to the Attorney General with an accompanying confidential investigation file of evidence and materials that justify the prosecution request.

When received by DOJ, DNR's enforcement "referral file" is sent to the Legal Services Division Administrator for referral to the unit. The unit director assigns the case to an appropriate assistant attorney general (AAG) for review and potential prosecution. If, after review and consultation with DNR staff as necessary, the AAG believes prosecution is justified, the AAG prepares a justification memorandum and draft complaint for prosecution. Depending on the circumstances, the AAG may have pre-filing discussions of the matter with the accused and his or her attorney. Upon approval of the justification memorandum by the unit director and the Legal Services' administrator or deputy

administrator, the case is commenced. A judgment may be entered upon stipulated settlement between the defendant and DOJ in consultation with DNR enforcement staff, or the case may go to trial and appeal. The unit handles its own criminal appeals.

In 2021-22, DOJ's Environmental Protection Unit was referred 57 cases. These 57 cases included one criminal enforcement case, 42 civil enforcement cases, nine civil defense cases, three agency consultations, and three uncategorized cases.

Unit attorneys may also occasionally act as special prosecutors upon request of district attorneys under s. 978.045 of the statutes. The unit handled no criminal case as a special prosecutor in 2021-22.

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## Representation of the Indigent

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Both the United States Constitution and the Wisconsin Constitution provide the right to counsel for individuals accused of a crime. The Sixth Amendment to the United States Constitution provides, in part, that, "In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defense." In *Gideon v. Wainwright* (1963), the United States Supreme Court held that the constitutional right to counsel guaranteed by the Sixth Amendment requires the government to provide counsel to indigent criminal defendants.

Article I, Section 7 of the Wisconsin Constitution provides, in part, that, "In all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel..." As early as 1859, the Wisconsin Supreme Court determined that an indigent defendant was entitled to counsel at county expense for his or her defense (*Carpenter v. Dane County*).

However, under subsequent United States and Wisconsin Supreme Court decisions there is no absolute right to the appointment of counsel in non-criminal cases carrying no threat of loss of physical freedom. Nevertheless, both courts have concluded that due process requires an individualized determination of the necessity for appointment of counsel under the circumstances presented by a particular case. Finally, in the case of *Malmstadt v. Wisconsin* (1996), the Wisconsin Supreme Court ruled that under the separation of powers doctrine the Legislature may not prohibit the courts from appointing counsel for certain classes of individuals.

The cost of providing required counsel to the indigent in Wisconsin is generally the responsibility of the state through the Office of the State Public Defender (SPD). The State Public Defender provides legal representation for indigent persons: (a) facing a possible sentence that includes incarceration; (b) involved in certain proceedings under the Children's and Juvenile Justice Codes (Chapters 48 and 938); (c) subject to petitions for protective placement (Chapter 55); (d) facing involuntary commitment; (e) involved in certain post-conviction or post-judgment appeals; and (f) undergoing proceedings for modification of a bifurcated sentence, if representation has been requested by the indigent person or the case has been referred by a court, and the Public Defender determines that the case should be pursued.

### Determining Indigency

In making a determination of indigency, the SPD first considers the anticipated cost of the individual retaining private counsel. The anticipated cost of retaining private counsel is established by administrative rule. Table 21 identifies these anticipated costs of retaining private counsel, by case type.

The Public Defender's standard for determining whether an individual accused of a crime is indigent is modeled after the 2011 Wisconsin Works (W-2) eligibility standard for an employment position. As a result, gross income of an individual in excess of 115% of the 2011 federal poverty guideline will generally be considered available to pay the costs of legal representation. [While the W-2 financial eligibility requirements for an employment position adjust annually to reflect any changes in inflation captured by an updated federal poverty guideline, under 2011 Act 32, the

**Table 21: Anticipated Cost of Retaining Private Counsel, By Case Type**

Case Type	Anticipated Cost
1st degree intentional homicide	\$17,500
Trial appeal category I*	9,000
Chapter 980 original petition**	6,000
Other class A/B/C felony	5,000
Trial appeal category II***	4,500
Involuntary termination of parental rights	4,500
Chapter 980 post-commitment	3,500
Other felony	2,200
Felony diversion	1,500
Felony delinquency	1,500
Revocation	1,400
Chapter 55****	1,200
Paternity	1,000
Misdemeanor	750
Traffic misdemeanor	750
Special proceedings	750
Other juvenile	600
Chapter 51*****	600

\*Category I includes misdemeanor cases, unclassified crimes, sentencing after revocation cases, paternity cases, and class G to I felony cases.

\*\*Chapter 980 proceedings are in regards to sexually violent person commitments.

\*\*\*Category II includes all of Category I cases, and class A to F felony cases.

\*\*\*\*Chapter 55 proceedings are in regards to protective services and placement for persons with mental illnesses, degenerative brain disorders, developmental disorders, or other like incapacities.

\*\*\*\*\* Chapter 51 proceedings are emergency detention or involuntary civil commitment cases.

SPD indigency standard remains linked to the 2011 federal poverty guideline.] Table 22 identifies 115% of the 2011 federal poverty guideline, for the 48 contiguous states and the District of Columbia.

An individual's assets that exceed \$2,500 in combined equity value are also considered available to pay for representation. In determining the combined equity value of assets available to pay for representation, up to \$10,000 in the equity value of vehicles would be excluded, as well as the first \$30,000 of the equity value of a home that serves as the individual's homestead. Under 2011 Act 32, the SPD's indigency standard does not adjust for any future changes to the W-2 asset standard.

**Table 22: 2011 Federal Poverty Guideline for the 48 Contiguous States**

Persons in Family	115% of Federal Poverty Line
1	\$12,524
2	16,917
3	21,310
4	25,703
5	30,096
6	34,489
7	38,882
8	43,275
For each additional person, add	\$4,393

The State Public Defender is required to determine whether a person has the ability to pay the costs of representation. The Public Defender Board is also required to establish, by rule, fixed payments for the cost of SPD representation in various types of cases. Known as the prepayment option, an indigent defendant may elect to prepay the amount (or amounts, if several different types of proceedings are involved) if a determination has been made that the person has some ability to pay for his or her representation. If an indigent person elects to pay this fixed amount, the individual cannot be held liable for any additional payment for counsel. However, the indigent client must pay this fixed amount within 60 days of appointment of counsel by SPD. Table 23 identifies the optional prepayment amounts for the different types of SPD representation, as established by rule by the Public Defender Board.

### Determining Ability to Pay

Persons determined to be indigent who receive SPD representation and do not exercise the prepayment option are required to pay for the cost of SPD representation, subject to their ability to pay. Table 24 summarizes the fee schedule established by rule by the Public Defender Board beginning on February 1, 2014. These fee amounts are based

**Table 23: Prepayment Options for SPD Representation**

Case Type	Amount
First-degree intentional homicide	\$600
Other class A or B felony	120
Chapter 980 proceedings*	120
Trial appeal (category I)**	120
Trial appeal (category II)***	60
Felony diversion	60
Other felony	60
Misdemeanor	60
Revocation	60
Termination of parental rights	60
Paternity	60
Special proceeding	30

\*Chapter 980 proceedings are in regards to sexually violent person commitments.

\*\* Category I includes misdemeanor cases, unclassified crimes, sentencing after revocation cases, paternity cases, and class G to I felony cases.

\*\*\*Category II includes all of Category I cases, and class A to F felony cases.

on the average costs for representation for the type of case, as determined by the Board.

In 2021-22, the SPD received \$1,177,500 PR in payments from its indigent clients, including receipts from court-ordered recoupment. These amounts are used primarily to offset the cost of retaining private bar attorneys to represent individuals qualifying for SPD representation.

**Court Appointed Attorneys**

If an individual does not meet the statutory indigency standard of the SPD, but is nonetheless determined by a circuit court to have a constitutional right to counsel, the court may appoint an attorney at county, rather than state, expense with repayment expected. Appendix XI identifies expenditures, recoupment and net costs, for counties in calendar year 2021 for court-appointed defense counsel by county. While 72 counties reported \$8.7 million in costs for providing defense counsel in 2021, the net expenditure by these counties for court-appointed defense counsel in 2021 totaled

**Table 24: Schedule for Repayment of SPD Costs by Clients Determined to Have Ability to Pay**

Case Type	Amount
First-degree intentional homicide	\$7,500
Other class A or B felony	1,200
Chapter 980 proceedings*	1,200
Trial appeal (category I)**	1,200
Trial appeal (category II)***	480
Juvenile felony	480
Other felony	480
Termination of parental rights	480
Chapter 55 proceedings****	480
Felony diversion	240
Misdemeanor	240
Other juvenile offense	240
Revocation	240
Paternity	240
Commitment to mental health/rehab facility	120
Special proceeding	120

\*Chapter 980 proceedings are in regards to sexually violent person commitments.

\*\* Category I includes misdemeanor cases, unclassified crimes, sentencing after revocation cases, paternity cases, and class G to I felony cases.

\*\*\*Category II includes all of Category I cases, and class A to F felony cases.

\*\*\*\*Chapter 55 proceedings are in regards to protective services and placement for persons with mental illnesses, degenerative brain disorders, developmental disorders, or other like incapacities.

\$4.1 million. In reviewing the data, the following should be noted: (a) the reports are unaudited; and (b) counties may not be consistent in how they reported costs. Further, the amounts identified as recoupment by a county may be from previous calendar years. Therefore, in some counties during 2021, recoupment of appointed counsel costs exceeded appointed counsel expenses.

Minimum reimbursement for court appointed counsel is established by the Wisconsin Supreme Court Rules (SCR). Initially, the rate in SCR 81.02 was \$50 per hour, with lesser rates for office and travel time. In 1989, this rate was increased to \$60 per hour. In 1993, the court increased the rate from \$60 to \$70 per hour and adopted SCR 81.02(1m), permitting county flat rate contacts. Dane County

has used county flat rate contracts since 2008. Other counties may have adopted similar cost-saving measures in the years since 2011 when the indigency standard was last updated. On June 27, 2018, the Supreme Court ordered an increase to \$100 per hour, starting January 1, 2020.

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## Creation of the State Public Defender Function

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Chapter 479, Laws of 1965 first created the State Public Defender position under the Wisconsin Supreme Court. The duties of the early SPD were limited to post-conviction appeals for indigent persons. Counties retained the sole responsibility for providing constitutionally required counsel to indigent persons at the trial level. Counties generally met this responsibility through court-appointed private counsel.

Under Chapter 29, Laws of 1977, the State Public Defender was transferred from the judicial branch to the executive branch and became an independent agency under the Public Defender Board. Chapter 29 also provided funding for a phase-in of the state's public defender program at the trial level. The State Public Defender was directed to phase-in its services at the trial level over the biennium to the extent that funding and position authority permitted. The Public Defender provided representation at the trial level both through the use of staff attorneys as well as through the retention of private counsel.

Chapter 418, Laws of 1977, directed that the state assume responsibility for indigent trial defense in all counties, beginning July 1, 1979. Chapter 34, Laws of 1979, subsequently provided funding for the 1979-80 fiscal year to implement the statewide public defender system. However, appropriations for the SPD for the 1980-81 fiscal year were vetoed with the exception of funding for the retention of private counsel. Nonetheless, by the 1979-80 fiscal year, the SPD had established 31 district offices providing indigent trial defense

services in all 72 Wisconsin counties.

Chapter 356, Laws of 1979, restored funding for the SPD for program administration and for both trial and appellate representation by SPD staff for the 1980-81 fiscal year. Chapter 356 also mandated that 100% of the indigency cases at the trial level in 25 counties be assigned to private counsel. The remaining 47 counties were assigned to three statutory groups with not less than 15%, 25%, or 50% respectively, of these cases assigned to private counsel, with the remaining balance of cases assigned to SPD staff. Further, Chapter 356 requested the Legislative Council to study the state public defender program and to report its findings and recommendations to the Legislature no later than January 1, 1985. Finally, Chapter 356 sunsetted the SPD on November 15, 1985.

Under 1985 Wisconsin Act 29, all requirements mandating that a certain percentage of cases in each county be assigned to private counsel were repealed, again permitting public defender staff attorneys to represent the indigent in all 72 counties. Act 29 also created annual caseload standards for SPD trial attorneys and repealed the sunset provision for the SPD.

Provisions of 1995 Wisconsin Act 27 significantly revised the operation of the state public defender program and imposed a series of cost-cutting measures described as follows:

1. *SPD Representation.* Act 27 eliminated SPD representation in the following cases where there is no clear constitutional right to representation:

- all conditions of confinement cases;
- situations where adults and juvenile persons, suspected of criminal or delinquent acts, have not yet been formally charged with a crime (subsequently restored in 2001 Wisconsin Act 16);
- sentence modification actions which are filed outside of the statutory time limit for such

actions;

- probation and parole modification and revocation cases unless the modification or revocation is contested and jail or prison time is sought;

- appeals cases which are filed after the statutory time limit, unless the Court of Appeals extends the time limit;

- contempt of court for failure to pay child or family support, if the matter was not brought by the state, and the judge or family court commissioner certifies that the person would not be incarcerated if found in contempt;

- paternity actions, except actions to determine paternity where an initial blood test indicates a greater than 0%, but less than 99% probability of fatherhood; and

- representation for parents whose children are alleged to be in need of protection or services (CHIPS), except for parents who are themselves minors.

2. *Client Reimbursement.* Act 27 required the SPD to determine each client's ability to pay for representation and to collect for the cost of that representation. Under these client reimbursement provisions, a represented person must be permitted to meet his or her reimbursement obligations to the SPD either by: (a) paying a non-refundable, reasonable fixed fee within the first 60 days of representation, set by the Public Defender Board by rule; or (b) being charged a fee based on the average cost of representation for the client's case type, but considering the client's ability to pay.

3. *Workload.* Act 27 also reinstated higher workload standards for trial staff attorneys that had been modified under 1991 Act 39. The caseloads for the following types of cases were adjusted as follows: (a) felony caseloads increased from 166.8 cases per year to 184.5 cases per year; (b) misdemeanor caseloads increased from 410.9

cases per year to 492.0 cases per year; and (c) juvenile caseloads increased from 228.4 cases per year to 246.0 cases per year.

4. *Private Bar Compensation.* Act 27 reduced, in part, the compensation paid to private bar attorneys retained by the SPD. Prior to Act 27, private attorneys were paid \$50 per hour for in-court time, \$40 per hour for out-of-court time and \$25 per hour for certain travel. Under Act 27, the in-court rate was reduced to \$40 per hour.

5. *Fixed-Fee Contracts with Private Attorneys.* Finally, Act 27 required the State Public Defender Board to enter into annual fixed-fee contracts with private attorneys and law firms for some cases. The maximum number of cases assigned in this manner cannot exceed one-third of the total number of cases at the trial level. The SPD entered into fixed-fee contracts for up to 3,600 misdemeanor and commitment cases in 2022-23.

The provisions of 2007 Wisconsin Act 20 eliminated the requirement that the SPD make a finding of indigency prior to representing adults subject to involuntary civil commitment, protective placement, or involuntary administration of psychotropic medication. Instead, during or after relevant court proceedings, the court may inquire as to the individual's ability to reimburse the state for the cost of representation. If the court determines that the individual is able to make reimbursement for the costs of representation, the court may order the individual to reimburse the state an amount not to exceed the maximum amount established by the SPD Board, by rule, for the type of case at issue.

Under 2009 Wisconsin Act 164, the SPD indigency standard was generally modeled after the Wisconsin Works (W-2) eligibility standard for an employment position, effective with case appointments on or after June 19, 2011. While under Act 164, the SPD indigency standard would adjust over time to reflect changes in the W-2 eligibility standard, under 2011 Act 32, the SPD indigency

standard is linked to the 2011 W-2 financial eligibility requirements for an employment position. As a result, the SPD indigency standard remains linked to the 2011 federal poverty guideline and to the W-2 asset standard as it existed in 2011.

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### **Current Public Defender Operations**

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A nine-member Public Defender Board oversees the operation of the Office of the State Public Defender. Members of the Board are appointed by the Governor to staggered three-year terms, with the advice and consent of the Senate. At least five of the nine Board members must be members of the State Bar of Wisconsin. Members of the Board may not be employed by, or themselves be, a judicial or law enforcement officer, district attorney, corporation counsel, or the state public defender.

The principal duties of the Board are the following: (a) appointment of a State Public Defender; (b) promulgation of administrative rules for determining financial eligibility; (c) promulgation of administrative rules establishing procedures to assure that the representation of indigent clients by the private bar is at the same level as the representation provided by SPD staff; and (d) supervision of the administration of the Office.

After being appointed by the Board, the State Public Defender serves for a period of five years. However, that individual must continue to serve in his or her role until a successor is appointed.

In 2021-22, state SPD expenditures totaled \$94,875,600 to provide legal representation for eligible indigent persons in Wisconsin. Of that amount, \$25,912,300 (27%) was paid to private attorneys for their time and certain legal expenses (investigators and expert witnesses). The remaining \$68,963,500 (73%) funded staff attorneys, their legal expenses and program overhead. The SPD has been budgeted \$112,008,200 GPR and

\$1,491,700 PR in 2022-23 and is currently authorized 614.85 GPR and 5.0 PR positions.

The Office is organized into four divisions: trial, appellate, assigned counsel and administrative services. The current organizational chart for the agency is included as Appendix II.

The trial division consists of 552.7 positions, including 354.45 attorneys and attorney supervisors. The trial division is housed in 37 local offices across the state. (See Appendix XII for the location of these trial division offices). Each trial division attorney (and generally each attorney supervisor) must meet one of the following annual statutory caseload requirements: (a) 184.5 felony cases; (b) 15.0 homicide or sexual predator cases; (c) 492.0 misdemeanors cases; (d) 246.0 other cases; or (e) some combination of these categories. The SPD has interpreted these caseload standards as representing the workload averages that must be achieved by all the trial attorneys in the agency collectively, as opposed to a standard that is applied to each individual attorney. In practice, most staff attorneys work on a variety of case types during the year, with some (such as new attorneys) taking fewer cases than the statutory requirement and others taking more in order to meet the overall requirement for the agency. Under 1999 Act 9, 10 attorney supervisor positions were exempted from the statutory caseload requirement. This caseload exemption is spread among 50 supervising attorneys. In practice, most supervisors are relieved of some portion of their caseload responsibilities. In 2021-22, 70,808 new cases were assigned to SPD trial division attorneys.

The appellate division consists of 44 positions, including 28.25 attorneys and 5.0 attorney supervisors who provide assistance to eligible indigent clients involved in appeals, including post-conviction and post-commitment proceedings. The SPD typically sets the caseload standard for each appellate attorney between 54 and 60 cases per year, depending on the complexity of the attorney's case mix and the attorney's level of experience. In

2021-22, 1,430 new cases were assigned to SPD appellate division attorneys.

The assigned counsel division consists of 5.25 positions that oversee certification, appointment, and payment of the private attorneys who represent eligible indigent clients. Private attorneys are paid in two ways: (a) an hourly rate (generally \$70 per hour); or (b) for some misdemeanor and commitment cases, a flat, per case contracted amount. As of July 1, 2022, 752 private attorneys were certified by the SPD. In 2021-22, 47,637 new SPD cases were accepted by private attorneys.

The administrative services division consists of 29.4 positions that oversee the general administration of the Office. Staff provides support services in the areas of budget preparation, fiscal analysis, purchasing, payroll, personnel, and client accounts.

Under 2017 Act 59, the SPD is allowed to request increased GPR position authority from the Joint Committee on Finance under a 14-day passive review process. If within 14 working days after notification the Committee does not schedule a meeting to review the SPD's request, the SPD's request would be approved. No ability to increase funding is authorized. As a result, positions would need to be funded from an internal reallocation or resources within the SPD's budgeted funding.

On March 15, 2022, the Governor announced that \$11.5 million in American Rescue Plan Act (ARPA) funding would be used to support 16 additional ASPDs and 11 support positions in Milwaukee County to address court backlogs due to the pandemic. Funding must be used by April, 2024. In addition, funding supports 14 ASPD and 22 staff positions in offices around the state until October, 2023.

Under 2019 Act 9, the rate at which private bar attorneys are compensated was increased from \$40 per hour to \$70 per hour. The increase in hourly compensation applies to cases assigned on or after January 1, 2020.

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## **Compensation for the Public Defender and Assistant Public Defenders**

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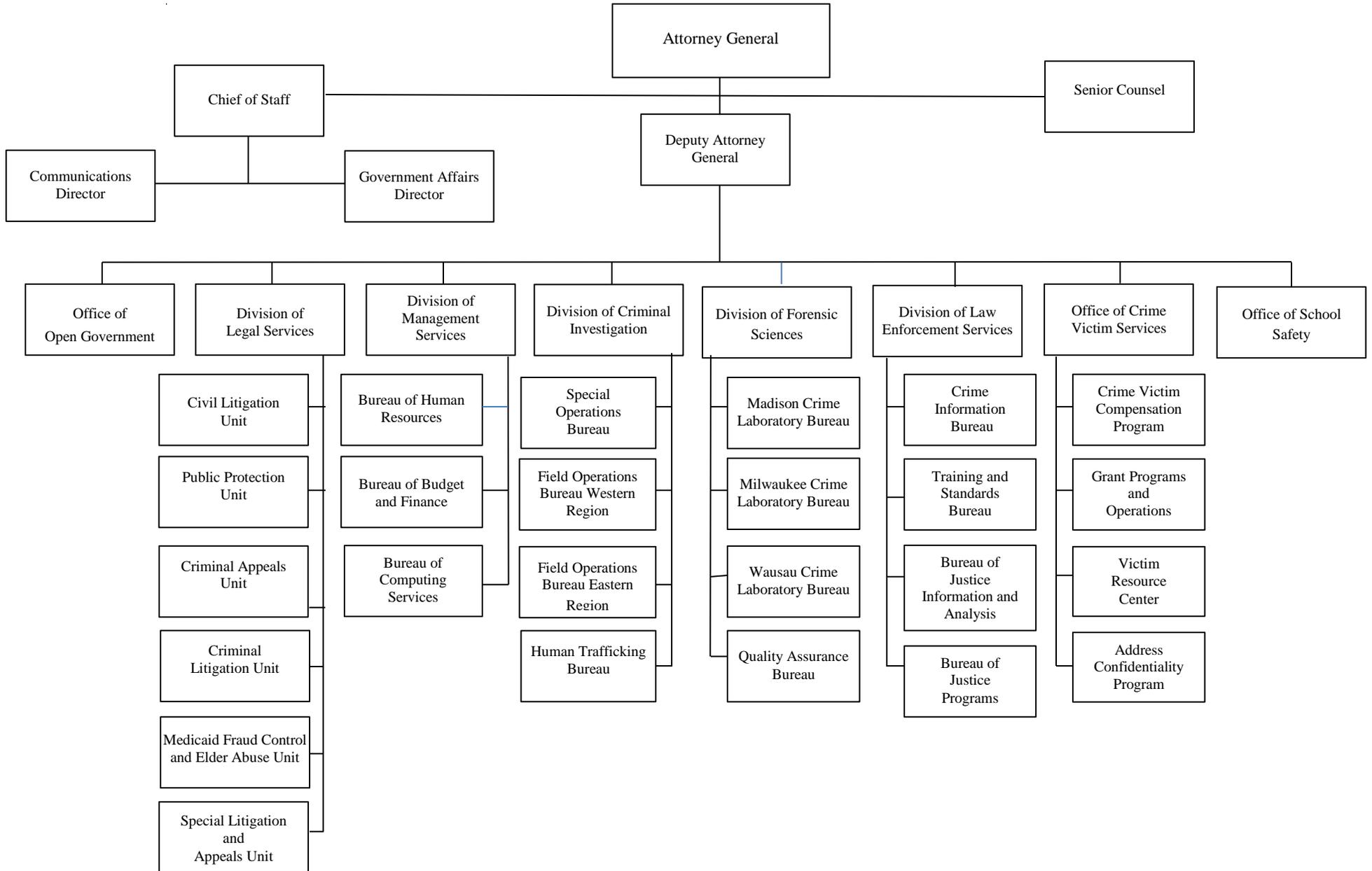
The salary of the State Public Defender is established by the Public Defender Board. Limitations on the Board's power to set the State Public Defender's salary exist, however, as the Public Defender is considered a state agency head under s. 20.923(4) of the statutes, and, therefore, must be paid within a given salary range. Furthermore, the State Public Defender may not have his or her salary decreased while serving in that position.

Assistant state public defenders (ASPDs), are paid based on a pay progression plan created under 2013 Act 20. The plan created for ASPDs mirrors the pay progression plan for assistant and deputy district attorneys (see Chapter 5). The ASPD pay progression plan is merit-based and consists of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest annual salary and the highest annual salary. Beginning July 1, 2014, the State Public Defender may increase the hourly salary of an ASPD by an hourly salary step, or part thereof, above the individual's hourly salary on the immediately preceding June 30. Notwithstanding the creation of a 17 hourly salary step pay progression plan, the State Public Defender is authorized to: (a) deny annual salary increases to individual ASPDs; and (b) increase the salary of individual ASPDs by up to 10% per year. Even at the minimum annual salary of \$56,659, a 10% annual wage increase (\$5,666) exceeds the value of the current hourly step (\$4,713).

In the 2021-23 biennium, \$434,200 GPR in 2021-22 and \$1,396,700 GPR in 2022-23 was provided to the SPD to make awards under the pay progression plan. The amounts provided were intended to support a \$1.09 per hour (\$2,267 annually) increase for eligible ASPDs. A \$1.09 per hour salary increase represented one half step under the pay progression plan.

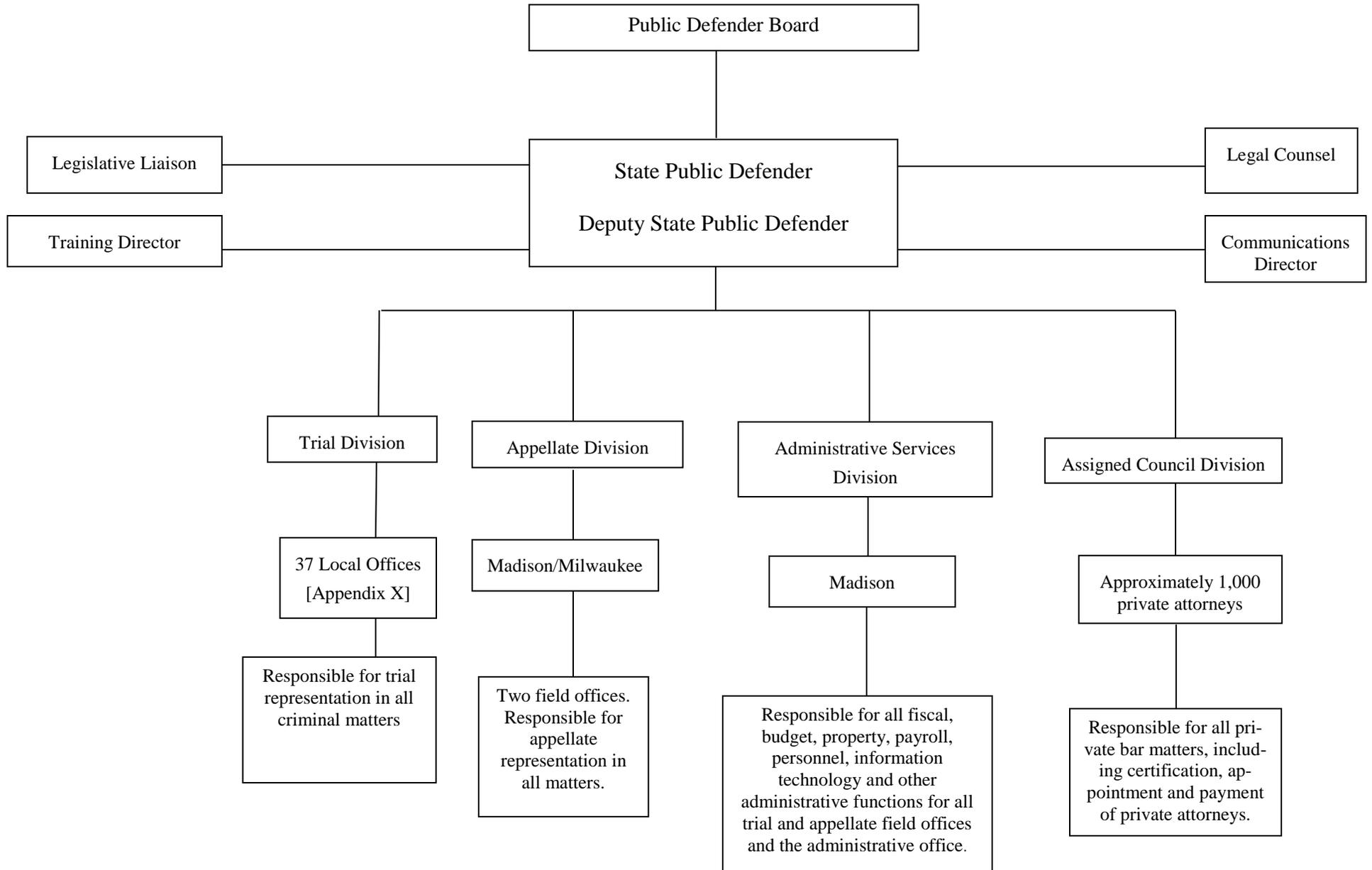
# APPENDIX I

## Department of Justice Organizational Chart



## APPENDIX II

### Office of the State Public Defender Organizational Chart



### APPENDIX III

#### Law Enforcement Training and Standards Board Certified Training Topics for Law Enforcement Officer, Juvenile Detention Officer, and Jail Officer Recruits

Topic	Hours	Topic	Hours
<b>720-Hour Law Enforcement Officer Recruit Training Topics</b>		<b>200-Hour Jail Officer Recruit Training Topics</b>	
Academy orientation	2	Academy orientation	1
Agency policy	2	Admit and release inmates	8
Basic response (RESPOND)	2	Correctional law	8
Child maltreatment	8	CPR and AED	4
Constitutional law	32	Ethics and ethical decision making	4
Crimes	14	Fire safety	8
Crisis management	20	Health care	8
Critical thinking and decision making	8	Hostage response	4
Cultural competence	8	Inmate supervision and behavior control	12
Defensive and arrest tactics	60	Introduction to corrections	3
Domestics	16	Investigations	2
Emergency vehicle operation and control	40	Maintain jail security: jail security techniques	8
Ethics	8	Officer wellness	4
First aid, CPR/AED	24	Prepare reports	6
Fundamentals of criminal justice	12	Principles of subject control	40
Handgun and rifle	68	Professional communication skills	24
Hazardous materials and weapons of mass destruction	4	Respecting cultural diversity	4
Incident command system	2	Suicide prevention for jail officers	4
Interrogations	4	Supervision of special needs inmates / crisis intervention	16
Interviews	12	Subtotal	168
Introduction to TRACS	2	Evaluation scenarios	8
Juvenile law	8	Integration exercises	12
Officer wellness/suicide prevention	8	Testing	4
Operating a motor vehicle while intoxicated/standardized field sobriety testing	36	Training scenarios	8
Physical evidence collection	8	Total	200
Physical fitness entrance exam	2	<b>160-Hour Secure Juvenile Detention Officer Recruit Training Topics</b>	
Physical fitness training and physical fitness exit exam	32	Admitting and releasing juveniles	4
Professional communication skills	24	Adolescent development	8
Radio procedures	2	Behavior management	16
Report writing	20	Crisis intervention	4
Sexual assault	12	Detention facility security	8
Tactical emergency critical care	8	Diversity	6
Tactical response	24	Fire safety	10
Testifying in court	8	Health care	12
Traffic crash investigation and traffic incident management	16	Introduction to detention operations	4
Traffic/Speed law enforcement	36	Legal requirements for secure detention of juveniles	4
Vehicle contacts	24	Prepare reports	8
Victims	8	Principles of subject control	32
Subtotal	624	Principles of supervision	2
Exams	12	Professional communication skills	24
Integration exercises	44	Managing personal stress	2
Scenarios	40	Suicide prevention	4
Total	720	Subtotal	148
		Scenarios	8
		Testing	4
		Total	160

## APPENDIX IV

### Concealed Weapon Licenses 2021 Statistical Report

Department of Justice Concealed Carry Annual Report – 175.60(19)  
January 1 – December 31, 2021



**Wis. Stats. § 175.60 (19) states:** STATISTICAL REPORT. By March 1 of each year, the department shall submit a statistical report to the legislature under s. 13.172 (2) and to the governor that indicates the number of licenses applied for, issued, denied, suspended, and revoked under this section during the previous calendar year. For the licenses denied, the report shall indicate the reasons for the denials and the part of the application process in which the reasons for denial were discovered. For the licenses suspended or revoked, the report shall indicate the reasons for the suspensions and revocations. The department may not include in the report any information that may be used to identify an applicant or a licensee, including, but not limited to, a name, address, birth date, or social security number.

<b>Total Applications Received</b>	<b>156,351</b>
<b>New Applications Accepted</b>	<b>53,630</b>
<b>Renewal Applications Accepted</b>	<b>98,850</b>
<b>Number of Licenses Approved and Issued</b>	<b>145,693</b>
<b>Number of applications returned during application review process:</b> (Mailed applications are returned in their entirety to the applicant, along with any payment and instructions on how to correct the deficiency. Edits are built into the online application submission process that minimizes returned applications.)	<b>3,871</b>

2817	Incomplete application (no signatures, missing data, missing yes/no answers)
585	Incorrect or missing payment
400	Insufficient or no training documentation included in the application
41	Determined to not be a legal resident of Wisconsin
13	Missing military orders for active military stationed in Wisconsin
11	Missing affirmation of status on out-of-state license used for training requirement
4	Applicant was not 21 years of age
<b>3871</b>	<b>Total</b>

**New applications denied during the background check process:**

**2,561**

1513	Invalid training documentation
219	Felony conviction
163	Unlawful use of a controlled substance (Federal disqualifier)
162	Misdemeanor conviction - domestic abuse related (Federal disqualifier)
109	Juvenile adjudication of delinquency for a felony offense after April 21, 1994
107	Did not possess a valid driver's license or identification card
74	Court order (As a condition of bail or probation)
64	Name does not match the name in the Department of Transportation files
57	Fugitive from justice (Federal disqualifier)
26	Non-immigrant alien (Federal disqualifier)
24	Involuntary commitment
19	Crime elsewhere that would have been a felony in Wisconsin
9	Misdemeanor conviction with over a 2-year sentence (Federal disqualifier)
7	Domestic abuse injunction
4	Address does not match the address in the Department of Transportation files
2	Harassment Injunction
1	Guardianship
1	Dishonorably Discharged from Military (Federal disqualifier)
<b>2561</b>	<b>Total</b>

**Renewal applications denied during the background check process:**

**355**

143	Name does not match the name in the Department of Transportation files
116	Did not possess a valid driver's license or identification card
31	Felony conviction
13	Misdemeanor conviction - domestic abuse related (Federal disqualifier)
12	Unlawful use of a controlled substance (Federal disqualifier)
10	Fugitive from justice (Federal disqualifier)
8	Address does not match the address in the Department of Transportation files
7	Misdemeanor conviction with over a 2-year sentence (Federal disqualifier)
4	Court order (As a condition of bail or probation)
4	Involuntary commitment
3	Juvenile adjudication of delinquency for a felony offense after April 21, 1994
1	Domestic abuse injunction
1	Harassment injunction
1	Dishonorably Discharged from Military (Federal disqualifier)
1	Crime elsewhere that would have been a felony in Wisconsin
<b>355</b>	<b>Total</b>

**Number of licenses revoked:****1,299**

483	License holder is no longer a Wisconsin resident
266	Unlawful use of a controlled substance (Federal disqualifier)
202	Felony conviction
114	Domestic abuse injunction
70	Misdemeanor conviction - domestic abuse related (Federal disqualifier)
48	Guardianship imposed by the court
35	Involuntary commitment
23	Harassment injunction
23	Fugitive from justice (Federal disqualifier)
9	Not guilty by mental defect
8	Misdemeanor conviction with over a 2-year sentence (Federal disqualifier)
7	Juvenile adjudication of delinquency for a felony offense after April 21, 1994
4	Crime elsewhere that would have been a felony in Wisconsin
3	Court order (As a condition of probation)
2	Non-immigrant alien (Federal disqualifier)
1	Did not possess a valid driver's license or identification card
1	Dishonorably Discharged from Military (Federal disqualifier)
<b>1299</b>	<b>Total</b>

**Number of licenses suspended:****424**

410	Bond condition imposed by a court under 969.01, 969.02(3)(c) or 969.03(1)(c)
14	Probation
<b>424</b>	<b>Total</b>

**Number of licenses cancelled:****393**

164	Deceased
103	Duplicate licenses
47	Multiple licenses
33	Non-sufficient funds check
28	Surrendered
14	Other
4	License Replaced
<b>393</b>	<b>Total</b>

\* **Wis. Stats. § 20.905 (2) contains:** If any license has been granted upon any such check, any such electronic funds transfer, or any such debit or credit card transaction, the license shall be subject to cancellation for the nonpayment of the check, the failure to make the electronic funds transfer, or failure of the bank to honor the demand for payment authorized by debit or credit card.

## APPENDIX V

### Individuals Prohibited From Possessing a Firearm under State and Federal Law

Generally, both the United States Constitution and the Wisconsin Constitution provide individuals the right to bear arms. The Second Amendment to the U.S. Constitution provides, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Article I Section 25 of the Wisconsin Constitution provides that, "The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose."

Notwithstanding these constitutional provisions, both the U.S. Supreme Court and the Wisconsin Supreme Court have ruled that the right to bear arms is not unfettered. Rather, the courts have held that the state and federal Legislature may, in seeking to promote public safety, prohibit certain individuals from possessing a firearm (such as individuals who have been convicted of a felony).

The following individuals are prohibited from possessing a firearm under state and federal law.

#### *Wisconsin Statute (s. 941.29 and s. 948.60(2)(b))*

- Subject to certain exceptions, individuals under the age of 18.
- Those convicted of a felony in Wisconsin.
- Those convicted of a crime elsewhere that would be a felony if committed in Wisconsin.
- Those adjudicated delinquent for an act committed on or after April 21, 1994, that if committed by an adult in Wisconsin would be a felony.
- Those found not guilty of a felony in Wisconsin by reason of mental disease or defect.

- Those found not guilty or not responsible for a crime elsewhere that would be a felony in Wisconsin by reason of insanity or mental disease, defect, or illness.

- Those committed for treatment of a mental disorder, developmental disability, mental illness, alcoholism, or other drug abuse and ordered by a court not to possess a firearm.

- Those ordered by the court not to possess a firearm due to federal law that prohibits individuals who have been adjudicated as a mental defective or have been committed to a mental institution.

- Those prohibited from possessing a firearm as a result of a court or tribal injunction issued as a result of allegations or findings of domestic or child abuse.

- Those prohibited from possessing a firearm by the court as a result of findings that the individual may use a firearm to cause physical harm to another or to endanger public safety.

#### *Federal Regulations (18 U.S. Code s. 922(g) and (x))*

- Those who are a juvenile. Federal law defines a juvenile as a person who has not attained his or her 18th birthday. [Note that this prohibition only applies to handguns, and not long guns.]

- Those who have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

- Those who are a fugitive from justice.

- Those who are an unlawful user of or addicted to any controlled substance. [Federal regulations define an "addict" as any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his or her addiction. A "controlled substance" includes any schedule I, II, III, IV, or V drug or other substance, or immediate precursor, under the federal Controlled Substances Act. A controlled substance does not include tobacco, distilled spirits, wine, or malt beverages.]

- Those who have been adjudicated as a mental defective or who has been committed to a mental institution.

- Subject to certain exceptions, those who are an alien and either: (a) are illegally or unlawfully in the United States; or (b) have been admitted to the United States under a nonimmigrant visa.

- Those who have been discharged from the Armed Forces under dishonorable conditions.

- Those who have been a citizen of the United States and have renounced their citizenship.

- Those who are subject to a court order that: (a) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; (b) restrains such person from harassing, stalking, or threatening an intimate partner, or the child of such intimate partner, or restrains the person from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (c) includes a finding that the person represents a credible threat to the physical safety of an intimate partner or child, or prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

- Those who have been convicted in any court of a misdemeanor crime of domestic violence.

# APPENDIX VI

## State Crime Laboratory Service Areas



The state is served by three crime laboratories located in Madison, Milwaukee, and Wausau. This appendix shows the service area for each lab.

## APPENDIX VII

### Offenses Considered Violent Crimes for DNA Submission

Arson of buildings/damage of property by explosives\*

Battery (felony violation)

Battery or threat to an employee of the Department of Revenue, Department of Safety and Professional Services,  
or Department of Workforce Development

Battery or threat to health care providers and staff

Battery or threat to a judge

Battery or threat to a witness

Battery, special circumstances

Battery to an unborn child (felony violation)

Battery to certain employees of counties, cities, villages, or towns

Burglary\*

Causing a child to view or listen to sexual activity\*

Child abduction by use or threat of force\*

Child enticement\*

Disarming a peace officer\*

Endangering safety by use of a dangerous weapon (felony violation)\*

Engaging in repeated acts of physical abuse of the same child (Class A, B, C, and D felony violation)\*

False imprisonment\*

Felony murder

Homicide (1st degree)\*

Homicide (2nd degree)\*

Homicide by negligent handling of a dangerous weapon, explosives, or fire

Homicide by intoxicated use of a vehicle or firearm

Homicide by negligent operation of a vehicle

Homicide resulting from negligent control of a vicious animal

Human trafficking\*

Intentional causation of great bodily harm, or harm that creates a high probability of great bodily harm, to a child\*

Intimidation of witnesses (felony violation)\*

Intimidation of victims (felony violation)\*

Kidnapping\*

Mayhem\*

Physical abuse of an elder person

Possession, manufacturing, selling, or transferring a fire bomb\*

Repeated sexual assault of the same child\*

Robbery\*

Reckless injury

Reckless homicide (1st degree)

Reckless homicide (2nd degree)

Reckless causation of bodily harm to a child

Recklessly endangering safety  
Sexual assault (1st degree)\*

Sexual assault (2nd degree)\*  
Sexual assault (3rd degree)\*  
Sexual assault of a child (1st degree)\*  
Sexual assault of a child (2nd degree)\*  
Sexual assault of a child placed in substitute care\*

Sexual assault of a child by a school staff person or a person who works or volunteers with children\*  
Sexual exploitation of a child\*  
Soliciting a child for prostitution\*  
Stalking\*  
Strangulation or suffocation\*

Taking a vehicle without owner's consent\*  
Taking hostages\*  
Tampering with household products\*  
Trafficking of a child\*

Any felony, if an increased penalty for certain domestic abuse offenders, under s. 939.621 of the statutes, could be imposed

\*The solicitation, conspiracy, or attempt to commit this crime constitutes a violent crime.

## APPENDIX VIII

### Treatment Alternatives and Diversion Grant Projects, 2022

Grantee	Award	Project Type	Project Description
Adams County	\$97,989	Hybrid Court	Funds will be used to support the treatment court coordinator (salary & benefits), various office supplies, monitoring services, training for the treatment court team, and drug testing services. The expansion funding will fund a PT Peer Support Specialist, rental assistance for participants, and travel costs for participants and volunteer drivers.
Ashland County	\$97,915	Diversion Program	Funds will be used to support continuing pathways programming, employment and training of the diversion officer/case manager, to rent space for the case manager to work, to purchase office supplies, order UA materials, and to pay for substance abuse assessments and treatment.
Barron County	\$26,962	Hybrid Court	Funds will be used to expand current evidence-based treatment programs and services for program participants, fund trainings and conferences focused on the implementation of current evidence-based practices in treatment court, and continue to fund a program dedicated coordinator/case manager. Together these enhancements will support interdisciplinary education, provide additional evidence-based treatment services and tools, meet comprehensive needs of program participants to achieve and maintain a healthy substance free lifestyle, reduce incarceration and recidivism, and increase public safety.
Bayfield County	\$125,078	Hybrid Court	Funding will support the salary and benefits of a full time treatment court case manager and hybrid court deputy at 38% state reimbursement on wages and benefits and 27% match for wages along with 28% match for benefits. Funding will support WATCP training expenses for the case manager and deputy to enhance evidence based practices while aligning to the Wisconsin treatment court standards. These initiatives aim to improve the health and wellness of the participants while protecting the best interest of the community's public safety
Brown County	\$159,712	Drug Courts; Diversion Program	Funds will be utilized by the TAD program in coordination with the Criminal Justice Coordinating Board (CJCB) in effort to enhance our established treatment courts and diversion program; each of which operates to individually meet the specific treatment needs of non-violent offenders with treatment needs.
Buffalo/Pepin County	\$125,286	Diversion Program	Funding will be used by the Buffalo/Pepin Community Justice Services (CJS) program to implement Post-Charge Diversion Program. Funds will pay for CJS staff salaries and partial benefits. Program purpose is to provide alternatives to incarceration and divert individuals from the criminal justice system into treatment and other appropriate services to meet their assessed needs. The CJS Program is designed to promote fairness and equal treatment by utilizing evidence-based LSI: R and LS/CMI assessments, based on objective factors relevant to public safety and the success of justice-involved individuals.

<b>Grantee</b>	<b>Award</b>	<b>Project Type</b>	<b>Project Description</b>
Burnett/Washburn County	\$125,000	Hybrid Courts; Diversion Program	Funds will be used to support a hybrid treatment court in each county and a pre-charge/post-charge diversion program. TAD funding will cover staff salaries and contracted treatment services that serve all three programs. Burnett and Washburn Counties have maintained a partnership for a number of years and the grant has helped sustain a joint Matrix IOP program that serves all program participants. The TAD funding allows for intense wraparound services that includes frequent drug and alcohol testing, intensive case management, immediate incentives and sanctions and consistent community programming.
Chippewa County	\$115,327	Diversion Program	Funds will be used to continue implementation of its Front End Intervention Treatment FIT Program. Specifically, funds will be used to support the Diversion Specialist full-time position and 20 hours of the Assessor Programmer position dedicated to FIT activities. Funds will support training for the Diversion Specialist and Assessor Programmer position. Funds will also be used to purchase supplies including drug testing devices, labs, and sobertrack equipment along with other office supplies. The Diversion Specialist provides case management services for FIT participants, completes COMPAS assessments, monitors drug testing compliance of FIT participants, and provides cognitive behavioral programming for participants. The Assessor Programmer position, funded 20 hours by the TAD grant, completes COMPAS assessments and offers Evidence Based programs to FIT, Recovery Court, and pretrial participants.
Clark County	\$102,492	Drug Court	Funds will be used to plan and implement a Clark County Treatment Court Program with oversight from the Clark County Criminal Justice Coordinating Council. The Clark County Treatment Court Program will serve as an adult drug treatment court and offer opportunities for high-risk, high-need, non-violent offenders for whom substance use was a contributor to criminal behavior to avoid jail time while working toward recovery. Development of the Clark County Treatment Court Program is intended to (1) reduce recidivism rates for nonviolent offenders in the program and increase public safety and (2) reduce prison and jail populations by diverting nonviolent offenders to community-based interventions thereby improving public safety in Clark County in rural, central Wisconsin.
Columbia County	\$204,124	OWI Court; Drug Court	Funds will be used to continue operations of a Drug Treatment Court and an Operating While Intoxicated (OWI) Treatment Court. Grant funds will be used to cover the salaries and benefits for both program Coordinators, travel and training associated with the programs for treatment court team members, drug and alcohol testing for participants, and a portion of the treatment services needed for participants. The treatment courts will utilize intensive case management services, treatment services, drug and alcohol testing requirements, and judicial oversight to monitor and rehabilitate program participants.
Crawford County	\$108,030	Hybrid Court	TAD funding will be used to help support the salary and benefits of the court coordinator, testing specialist and coordinator assistant, and peer support specialist. Funds will also be used to support some training needs, drug testing supplies, and treatment services.

<b>Grantee</b>	<b>Award</b>	<b>Project Type</b>	<b>Project Description</b>
Dane County	\$214,931	Drug Court; Diversion Program	Funds will be used to run both the Dane County Diversion Program (DCDP), a post-charge Diversion Program and the Deferred Prosecution Program - Opiate (DPP-O), a pre-and-post charge Diversion Program. The DCDP has spent the last year making plans to transition from a traditional drug court model to a fully implemented, post-charge pre-adjudication, diversion program. This can only be accomplished through TAD funding of staff, coordination, screening & assessment, intake functions, data analysis, case management, drug testing, counseling services, treatment and educational programming. Funds will be used by the Dane County District Attorney's Office to continue and enhance the DPP-O, which is a pretrial diversion program operating in Dane County, that provides participants with opioid use disorders with pre- and post-charging diversion from justice system involvement by providing case management and resources. The proposed program enhancements will expand the target population and program and participant services to serve individuals with methamphetamine use disorders in addition to those with opioid use disorders, when staff time and capacity allows.
Dodge County	\$209,620	OWI Court; Drug Court	Funds will be used to continue and enhance the existing suite of treatment-focused diversion alternatives for individuals whose actions stem from un- or under-treated addiction or mental health conditions. This encompasses case management for participants including cognitive behavioral intervention programming, an array of mental health and AODA treatment services, training for staff to continue to align with best practices, and client incentives. Funds used to continue cognitive behavioral intervention, residential treatment, and sober living options will directly address un- and under met criminogenic need areas of moderate to high risk treatment court participants.
Door County	\$141,011	Drug Court	Funds will enhance the adult drug treatment court to deal with the serious and escalating problem of alcohol and drug use in our community. Funds will be used for a coordinator, AODA counselor, necessary trainings, participant incentives, and drug testing.
Douglas County Health and Human Services	\$108,031	Drug Court	Funds will be used to cover the case manager's salary and fringes, travel/training costs, client costs, drug and alcohol testing, incentives, and contractual services covering outpatient and inpatient services and satellite tracking.
Dunn County	\$99,566	Diversion Program	Funds will support the Treatment Opportunity Program (TOP) post-charge diversion program to divert non-violent defendants facing criminal charges related to their use or abuse of drugs or alcohol from the criminal justice system and into treatment. 50% of the grant funds will be used to employ a full-time criminal justice assessor to assess offenders' risk, need, and responsivity factors and screen and refer to the TOP. 50% of the TAD funding will be used to employ the TOP coordinator. Funds will cover 50% of wages and benefits for the Criminal Justice Assessor and TOP coordinator. Grant funds will also be used to support drug testing services with testing, supplies, and laboratory expenses. Funds will be used to cover 50% of AutoMon AIMS case management and AIMS pretrial systems.

<b>Grantee</b>	<b>Award</b>	<b>Project Type</b>	<b>Project Description</b>
Eau Claire County	\$137,213	Drug Courts	Funds will be used for the following: To employ a treatment courts supervisor; To match funding to cover the Drug Court Coordinator's salary; To purchase vital treatment and drug testing services for program participants; To train stakeholders in evidence-based practices; To fund uninsured participants for individual therapy, the Matrix Model (Intensive Outpatient) Groups, DBT (Dialectical Behavioral Therapy) and MRT (Moral Reconciliation Therapy). Regular drug testing and other services for Treatment Court participants will promote adherence to the ten key components. Providing access to evidence-based programming will strengthen participants' ability to attain long-term recovery.
Grant County	\$119,572	OWI Court; Drug Court	Funds will support the position of the treatment court coordinator, which will enhance the intensity and accountability of the treatment courts by providing hands-on oversight and guidance to participants and the treatment court team. The funds will also support drug and alcohol testing. The funds will also go towards AODA counseling, assessments performed at the Grant County Jail, and the treatment provider's continued treatment court education. Funds will be used to support an OWI Treatment Court.
Green County	\$122,900	Hybrid Court	Funds will implement a hybrid court program, including the drug court coordinator salary and fringe at 68% and AODA Counselor salary and fringe at 100% and postage costs for the program.
Ho-Chunk Nation	\$63,536	Healing to Wellness Court	Funds will be used to hire support to help manage the daily activities of the Healing to Wellness Court. The funds will also be used to assist with training costs for team members, UA expenses, and various supplies and operating expenses that are needed for daily Healing to Wellness Court operations.
Iowa County	\$65,046	Hybrid Court	Funds will be used to operate a two-track hybrid treatment court by funding our coordinator, treatment services, drug and alcohol testing, transportation and housing aid, and team trainings. The drug court track focuses on participants with heroin, other opiate, and methamphetamine substance abuse disorders and will utilize the state TAD grant funds.
Jackson County	\$63,307	Diversion Program; Drug Court	Funds will be used to continue the implementation of a post-charge diversion program targeting offenders screened as medium/moderate risk and needs whose charges are related to substance use. Offender accountability, effective evidence-based interventions and enhanced public safety will be fostered through individualized services provided by a case manager. Funding is also being sought to enhance the adult treatment court program by providing access to national training opportunities, namely, through attending the National Association of Drug Court Professionals training conference by virtual means. Ongoing training is necessary for our team to achieve its goals and manage themselves in an ethical, professional and effective manner. In addition, we intend to utilize the TAD case manager in a dual role as a home visit monitor for treatment court participants who do not meet TAD violent offender exclusionary criteria.

<b>Grantee</b>	<b>Award</b>	<b>Project Type</b>	<b>Project Description</b>
Jefferson County	\$174,020	Drug Court; OWI Court	Funds will be used to sustain an OWI Treatment Court, which started in 2014 and a Drug Treatment Court, which was started in August of 2017. Funds will be used to cover salary and benefit expenses for the case managers, the treatment court coordinator position, various office supplies and training. The programs will utilize evidenced based strategies to enhance public safety by providing effective monitoring, Court supervision and treatment interventions to program participants. These programs impact more than Jefferson County to include those in adjoining counties due to Hwy 26 and I-94.
Kenosha County	\$124,500	Drug Court	Funds will be used to serve high risk/high need non-violent offenders diagnosed with a moderate to severe substance use disorder through random drug and alcohol testing, clinical assessments and coordination, participant incentives, professional development training for team members, and internal evaluation. The integration of evidence-based treatment, supervision, and judicial oversight will increase public safety by reducing recidivism and restoring offenders diagnosed with a substance use disorder to sober, productive community members.
La Crosse County	\$125,000	Diversion Program	Funds will be used to support staffing of pre- and post- charge diversion supervision.
Lac du Flambeau Band of Lake Superior Chippewa Indians	\$113,294	Healing to Wellness Court	Funds will be used by Zaagiibagaa Healing to Wellness Court to successfully reintegrate participants with culture and community through cultural activities and therapy that supports sober living including evidence-based curriculum. The supplies are for hands on learning of traditional practices and cultural gatherings that include ceremonies, graduations, self-care socials, and healthy living projects. Contractual funds designated to struggling participants by referral to residential treatment and assist with housing upon completion. These activities and programming decisions will be made with oversight from the coordinator, who will be funded at 70% effort. Travel will assist the team in learning current, successful practices within their respective disciplines at WATCP. Knowledge gained, will further the accomplishments of Goal 1 and 2.
Lafayette County	\$118,533	OWI Court	Funds will be used to train staff, provide substance abuse treatment and ensure participant accountability in treatment court. The grant will fund personnel costs for the substance abuse treatment provider/case manager salary/benefits and 20% coordinator salary/benefits; training for staff and CJCC members; and assessment and drug testing materials.
Manitowoc County	\$142,396	Drug Court	Grant funding will support treatment court personnel costs, supplies, training & travel related to seminars and meetings, and contracted services such as drug screens, and sober living services
Marathon County	\$150,000	Drug Court	Grant funds will be used to support the operation of an evidence-based drug treatment court which adheres to the NADCP Ten Key Components and the Wisconsin Treatment Court Standards. Funds will be used for the drug court coordinator's salary and benefits, to support continued training for the drug court team, will help cover drug testing, sober housing and treatment services for drug court participants.
Marinette County	\$203,770	Drug Court	Funds will be used to support the salary and benefits of the treatment court coordinator and expansion funding will be used to fund a full-time case manager position to help increase capacity in the program. The grant will also help fund training events for the treatment court team and will help cover the cost of drug and alcohol testing.

<b>Grantee</b>	<b>Award</b>	<b>Project Type</b>	<b>Project Description</b>
Marquette County	\$100,082	Hybrid Court	Funds will be used to support continued operations and enhancement of a hybrid treatment court. Funds will support the salary and benefits of the treatment court coordinator/case manager, the continued training for the treatment court team, and will help cover the costs of drug and alcohol testing. In addition, it will cover a portion of the part-time salary of our treatment court specialist.
Menominee Indian Tribe of Wisconsin	\$98,148	Diversion Program	Funds will be used to coordinate the Kakaecec diversion program. The program is aimed to provide coordination of services for a pre and post charged, low to moderate risk defendants who are referred and eligible for programming. The implementation of the program will ensure successful completion of court-orders and improved long-term success rates through the community and family-based recovery planning offered in the wraparound program.
Milwaukee County	\$380,981	Diversion Program	Funds will be used to contract with JusticePoint Inc., a private non-profit agency. Using evidence-based programming and following best practices, JusticePoint Inc. will identify individuals arrested on non-violent offenses who have substance abuse and/or co-occurring mental health disorders who are eligible for post-charge deferred prosecutions. JusticePoint Inc. will provide screening/assessment, community supervision/case management, and cognitive behavioral programming for deferred prosecution agreement participants.
Monroe County Justice Department	\$69,401	OWI Court; Drug Court	Funds will be utilized to continue enhancing the use of incentives and sanctions to modify behavior and enhance drug testing services to ensure accuracy of information regarding abstinence among participants. Additionally, we will enhance team knowledge and adherence of best practice standards through attending WATCP and other training opportunities. The case manager positions for the problem solving court, which serves a pivotal role of coordination of information and best practices serving clients, will be the primary source of funds for the match requirement although there are several other positions and sources of local contributions to the problem solving courts that can be utilized if necessary.
Outagamie County	\$178,343	Drug Courts; Diversion Program	The county will use funds to maintain evidence-based program services and participant services in existing diversion and treatment courts, including safe streets treatment options program, mental health court, drug and alcohol treatment court low risk/high need track, and veterans treatment court. Funds will also be used to enhance the drug and alcohol treatment court by enhancing participant services and expanding the target population of the OWI Track. Funds will support drug and alcohol testing, treatment court team training, peer support specialist training, Level 3 substance use disorder treatment services, treatment court incentives, and transitional/sober living rental assistance.
Ozaukee County	\$124,999	Diversion Program	Funds will be used to support the existing pre-charge/post-charge diversion program. Grant funds will support the salaries and benefits of the program's administrator, program coordinator, and addiction recovery specialist; it will also cover evidence-based tools to address criminogenic needs and alcohol and drug testing supplies, as well as funding for medication-assisted treatment.
Pierce County	\$205,777	Hybrid Court; Diversion Programs	Funds will be used to assist in operating three programs: Diversion (DIV), Intoxication Drivers Improvement Program (IDIP), and a Hybrid OWI/Drug Court program. Funding will support two positions, training for the team, drug and alcohol testing, participant incentives, and other services and resources to meet program participant needs.

<b>Grantee</b>	<b>Award</b>	<b>Project Type</b>	<b>Project Description</b>
Polk County	\$150,000	Drug Court; Diversion Programs	Funding for enhancements to each of the three programs: Drug Court, Treatment & Accountability Diversion program (TAP), and Intoxicated Driver Intervention program. Major areas of enhancement include program operations, particularly improving referrals; improving screening, assessment, and treatment options (Treatment Court and TAP), enhancing participant engagement, ensuring equity and diversity, and becoming more data-driven.
Portage County	\$201,187	Drug Court; Diversion Program	Funds will be used to continue operations of a Drug Treatment Court and Diversion Program. These programs are dedicated to diverting non-violent offenders with drug and alcohol addictions into these alternative programs that provide accountability, case management services/supervision, treatment, mentoring and positive reinforcement. Specifically, funding will cover the salary and benefits of the Diversion and Treatment Court Case Manager, training-related costs, treatment services, and drug testing.
Racine County	\$124,975	Alcohol & Drug Court	Funds will be used to maintain the program coordinator position, comprehensive drug and alcohol testing, staff development training for treatment court team members, participant incentives, data management and reporting, and wraparound services. Adhering to the Wisconsin Treatment Court Standards, the Court will serve high risk/high nonviolent offenders with a diagnosed moderate to severe substance use disorder high criminogenic need and risk through the use of evidence-based practices.
Richland County	\$122,500	OWI Court	Funds will be used to cover the full treatment court coordinator position and part of the SAS Treatment Counselor's salary and benefits. Grant funds support training-related costs, drug and alcohol testing, automated testing programming, lab testing not covered by insurance, treatment services, and various supplies and services needed to support program participants and provide an alternative to incarceration for individuals who are alcohol and/or drug dependent. This program focuses on persons convicted of OWI 3rd to 6th offenses and defendants being revoked from probation, as well as other criminal offenses that are substance related. The overall treatment court project works to reduce recidivism, implement treatment, and support the process of sobriety from substance addiction.
Rock County	\$125,000	Drug Court	Provide case management and treatment services for the Drug Treatment Court. Drug Court is a collaborative justice system diversion opportunity for medium and high-risk, non-violent offenders with an underlying substance use disorder. Successful participants will be diverted from incarceration and will see their charges reduced or dismissed upon completion.
Rusk County	\$123,144	Hybrid Court	Funds will be used to provide intensive treatment, drug & alcohol monitoring, case management and supervision for AODA participants. Rusk County Drug & Alcohol Court ("RCDC")'s intensive outpatient treatment program is provided mainly by Aurora Community Counseling Services and our newly opened Anchor Bay Counseling. Both have licensed professionals in AODA and mental health counseling in various areas of specialty. RCDC treatment programming consists of group and individual interpersonal sessions on a weekly basis. Weekly appointments with the drug court coordinator and a weekly appearance before the Judge are requirements for participants. Regular and random drug testing is conducted and in-home sobriety devices can be used. Home visits by probation and parole and law enforcement are conducted on a monthly basis.

<b>Grantee</b>	<b>Award</b>	<b>Project Type</b>	<b>Project Description</b>
Sauk County	\$116,733	Hybrid Court	Funds will be used for salary and benefits for a case coordinator, training for the team, office supplies, drug testing, incentives, AODA, and mental health treatment costs, and to support participants' needs while in the program. Goals include enhancing public safety by reducing recidivism, reducing lengthy incarceration for individuals who struggle with addiction and who have engaged in criminal activity to support their addiction.
Sawyer County	\$102,492	Diversion Program	Funding will establish a Diversion Program targeting individuals whose criminal justice involvement is driven by alcohol or other substance abuse needs.
Shawano County	\$107,347	Drug Court	Funding will maintain an adult drug treatment court. Funding will cover the cost of treatment services needed to support program participants in their recovery journey. Additionally, the funds will be used to cover team member training and recovery resources within the community to fill gaps that exist within the continuum of services available to participants during and beyond their time in drug treatment court to reduce relapse potential and risk of recidivism. These funds offer diversion from jail/prison in a community with a historically punitive criminal justice system. The involvement in TAD grant programming reinforces and requires following best practice standards to continue making necessary changes within our criminal justice system for residents with substance use disorders.
Sheboygan County	\$93,079	Hybrid Court	Funds will be used to support the ongoing efforts of our diversion program to increase capacity and enhance program services. To increase program capacity, there is a need for participants to have access to sober living and peer supports to build their recovery capital. Funds will be used to provide sober living and peer recovery services. Additionally, with a number of changes in our core treatment court team, funds will be used for the team to attend the WATCP Annual State Conference to improve the effectiveness of our program and to adhere to the Wisconsin Treatment Court Standards and Best Practices.
St. Croix County	\$146,517	Drug Court; OWI Court; Diversion Program	Funds will be used to divert eligible offenders from the criminal justice system, achieve measurable outcomes, maintain recommended drug testing standards, while providing a positive service delivery environment for offenders, staff and our communities. Grant funds will support a case management specialist. This position maintains the TAD grant funded caseload, supervising these offenders in the community. Funds will support a COMPAS assessment/treatment court worker to assist the Treatment Court, OWI Court, and Diversion Program. This is a cross-program role responsible for organizing risk and needs assessments for all programs to determine eligibility, as well as focused work within the Treatment Courts and CORE reporting system. Additionally, funds will provide operational supplies for required UA testing and evidence-based training for both programs
Taylor County	\$85,000	Hybrid Court	The Taylor County Hybrid Treatment Court program serves residents with pending criminal charges/convictions for OWI 2-4 and/or felony drug related offenses who are assessed to be moderate to high risk/needs and have a diagnosed substance use disorder, along with meeting other TAD statute eligibility criteria. It also accepts eligible alternatives to revocation from the Wisconsin Department of Corrections. Grant funding will support the salary and benefits of a full time coordinator-case manager, part time admin-fiscal support, all areas of clinical treatment/case management for participants,

<b>Grantee</b>	<b>Award</b>	<b>Project Type</b>	<b>Project Description</b>
			housing-transportation assistance, community outreach, team training, participant rewards-incentives, and randomized alcohol/drug testing.
Trempealeau County	\$110,000	Hybrid Court	Funding will provide evidence based training, treatment and testing to help individuals with substance abuse move to recovery and learn relapse prevention skills. All of this is to reduce the recidivism in the criminal justice system and to reduce the number of individuals incarcerated.
Vernon County	\$22,135	OWI Court	Funds will be used by the Vernon County Recovery Court to provide additional services to program participants through access to local certified peer specialists as well as providing program-related transportation services to participants. With the funds we will hire a certified peer specialist to assist our participants with recovery as well as purchase taxi vouchers and fuel cards for participants to use to get to and from treatment appointments. Our goals are to decrease the number of missed appointments with professionals as a result of a lack of transportation, decrease the number of Operating after Revocation charges in Vernon County among program participants, and increase the number of peer related supports that are available within the community for program participants.
Walworth County	\$150,717	Drug Court	Funds will be used to support the operations of the Walworth County Drug Court Program, and to implement peer support, transportation and emergency housing.
Washington County	\$96,720	Diversion Program	The county seeks funding for our OPI Drug Post Charge Deferred Prosecution Agreement diversion program as an enhancement grant to include methamphetamines and cocaine drug charges to the existing practice of targeting opioid drug charges.
Waukesha County	\$139,680	Drug Court	Grant funding will be used to sustain staff assigned to the program, including: the drug court coordinator (at 16%); drug court case manager; and drug court recovery coach coordinator (at 50%). Drug testing, client assistance (i.e. transportation), and staff training will also be included in the budget, allowing for at least 25 TAD-funded clients to be served within the 1-year project period.
Waushara County	\$89,782	Hybrid Court	Funds will be used to fund a full time treatment court coordinator, it will also assist with training costs for treatment court team members, office supplies, participant incentives and uranalysis testing for participants.
Wood County	\$140,000	Drug Court	Funds will be used case management personnel for the Wood County Adult Drug Treatment Court to provide collaboration in judicial supervision, treatment services, community supervision, social services and community resources, law enforcement, and case management services to meet the needs of the drug court participants, their families, and the overall community. Wood County Adult Drug Treatment Court will provide recovery services, safety, accountability, and lifestyle change opportunities to each drug court participant using resources supported with these funds.
Total	\$7,188,900		

**APPENDIX IX**

**Drug Court Grant Awards, Calendar Year 2022**

<b>Grantee</b>	<b>Award</b>	<b>Project Type</b>	<b>Project Description</b>
Columbia County	\$196,148	OWI Court; Drug Court	Grant funds will be used to cover the salaries and benefits for both program coordinators, travel and training associated with the programs for treatment court team members, drug and alcohol testing for participants, and a portion of the treatment services needed for participants.
Marinette County	\$203,770	Drug Court	Funds will support the salary and benefits of the treatment court coordinator and expansion funding will be used to fund a full-time case manager position to help increase capacity in the program. The grant will also help fund training events for the treatment court team and cover the cost of drug and alcohol testing.
Marquette County	\$100,082	Hybrid Court	Funds will support the salary and benefits of the treatment court coordinator/case manager, training for the treatment court team, and drug and alcohol testing. In addition, it will cover a portion of the part-time salary of the treatment court specialist.
Total	\$500,000		

\* Columbia County will receive a total of \$204,124 from both the TAD program and the drug court grant program (see Appendix VIII). Funding will be split as follows: \$7,976 from the TAD program and \$196,148 from the drug court grant program.

\*\* These are the 2022 grants that are funded out of the \$500,000 for Drug Court programs in appropriation 21700. We have many more Drug Court programs, but they are funded out of other TAD appropriations.

## APPENDIX X

### Local Anti-Drug Task Force Funding

Task Force	Participating Counties	Lead Agency*	<u>2021 Funding</u>		<u>2022 Funding</u>	
			Byrne	Penalty Surcharges	Byrne	Penalty Surcharges
Brown County Drug Task Force	Brown	Brown County Drug Task Force	\$49,024	\$33,922	\$49,024	\$33,922
Dane County Narcotics & Gang Task Force	Dane	Dane County Narcotics Task Force	\$78,141	\$54,070	\$78,141	\$54,070
Northwest Area Crime Unit	Ashland, Bayfield, Burnett, Douglas, Iron, Sawyer, Washburn	Douglas County Sheriff's Department	\$24,288	\$16,806	\$24,288	\$16,806
West Central Drug Task Force	Buffalo, Clark, Chippewa, Dunn, Eau Claire, Pepin	Eau Claire County Sheriff's Department	\$41,761	\$28,896	\$41,761	\$28,896
South East Area Drug Operations Group	Dodge, Jefferson, Kenosha, Racine, Walworth	Kenosha County Sheriff's Department	\$125,176	\$86,616	\$125,176	\$86,616
West Central MEG Drug Task Force	Jackson, La Crosse, Monroe, Trempealeau, Vernon	La Crosse County Sheriff's Department	\$23,173	\$16,035	\$23,173	\$16,035
Manitowoc County Metro Drug Unit	Manitowoc	Manitowoc County Sheriff's Department	\$14,624	\$10,119	\$14,624	\$10,119
Central Area Drug Enforcement Group	Marathon	Marathon County Sheriff's Department	\$26,269	\$18,177	\$26,269	\$18,177
Milwaukee Metropolitan Drug Enforcement Group	Milwaukee	Milwaukee County District Attorney's Office	\$321,147	\$222,218	\$321,147	\$222,218
North Central Drug Enforcement Group	Forest, Langlade, Lincoln, Oneida, Price, Taylor, Vilas	Oneida County Sheriff's Department	\$30,302	\$20,967	\$30,302	\$20,967
Richland-Iowa-Grant Drug Task Force	Iowa, Grant, Richland	Iowa County Sheriff's Department	\$13,495	\$9,338	\$13,495	\$9,338
Sheboygan County MEG Unit	Sheboygan	Sheboygan Police Department	\$14,251	\$9,861	\$14,251	\$9,861
St. Croix Valley Drug Task Force	Pierce, Polk, St. Croix	St. Croix County Sheriff's Department	\$33,379	\$23,097	\$33,379	\$23,097

Task Force	Participating Counties	Lead Agency*	<u>2021 Funding</u>		<u>2022 Funding</u>	
			Byrne	Penalty Surcharge	Byrne	Penalty Surcharge
Central Wisconsin Drug Task Force	Adams, Green Lake, Juneau, Marquette, Portage, Waupaca, Waushara, Wood	Marshfield PD	\$53,977	\$37,349	\$53,977	\$37,349
Washington County Multi- Jurisdictional Drug Unit	Washington	Washington County Sheriff's Department	\$19,030	\$13,168	\$19,030	\$13,168
Waukesha County Metropolitan Drug Enforcement Unit	Waukesha	Waukesha County Metro Drug Enforcement	\$52,871	\$36,584	\$52,871	\$36,584
Lake Winnebago Area MEG Unit	Calumet, Fond du Lac, Outagamie, Winnebago	Lake Winnebago Area MEG Unit	\$78,759	\$54,498	\$78,759	\$54,498
NADGI Tribal Task Force	WI Tribes	Oneida Nation of Wisconsin	<u>\$37,833</u>	<u>\$26,179</u>	<u>\$37,833</u>	<u>\$26,179</u>
Total			\$1,037,500	\$717,900	\$1,037,500	\$717,900

\* Lead agency for 2022.

## APPENDIX XI

### Court-Appointed Counsel, 2021

County Name	County-Paid Counsel Expenditures		County-Paid Counsel Recoupments		Net Expenditure	
	Amount	%	Amount	%	Amount	%
Adams	\$28,819	0.3%	\$28,002	0.6%	\$817	0.0%
Ashland	91,034	1.0	11,203	0.2	79,832	2.0
Barron	195,853	2.3	94,244	2.0	101,609	2.5
Bayfield	32,506	0.4	25,183	0.5	7,324	0.2
Brown	234,032	2.7	172,061	3.7	61,972	1.5
Buffalo	20,575	0.2	22,995	0.5	-2,421	-0.1
Burnett	34,285	0.4	39,922	0.9	-5,637	-0.1
Calumet	43,373	0.5	47,077	1.0	-3,705	-0.1
Chippewa	48,102	0.6	36,897	0.8	11,205	0.3
Clark	20,510	0.2	0	0.0	20,510	0.5
Columbia	76,250	0.9	59,285	1.3	16,965	0.4
Crawford	19,826	0.2	8,212	0.2	11,614	0.3
Dane	473,794	5.5	183,855	4.0	289,938	7.1
Dodge	81,602	0.9	67,571	1.5	14,031	0.3
Door	47,240	0.5	29,262	0.6	17,978	0.4
Douglas	26,346	0.3	16,267	0.4	10,079	0.2
Dunn	18,895	0.2	14,958	0.3	3,937	0.1
Eau Claire	172,236	2.0	140,103	3.0	32,133	0.8
Florence	1,812	0.0	3,441	0.1	-1,628	0.0
Fond du Lac	357,907	4.1	178,145	3.9	179,762	4.4
Forest	8,169	0.1	11,580	0.3	-3,411	-0.1
Grant	70,222	0.8	56,665	1.2	13,557	0.3
Green	34,657	0.4	16,808	0.4	17,850	0.4
Green Lake	22,863	0.3	30,666	0.7	-7,803	-0.2
Iowa	82,178	0.9	32,283	0.7	49,895	1.2
Iron	13,946	0.2	3,389	0.1	10,557	0.3
Jackson	83,323	1.0	20,939	0.5	62,384	1.5
Jefferson	67,102	0.8	92,587	2.0	-25,485	-0.6
Juneau	39,347	0.5	0	0.0	39,347	1.0
Kenosha	268,495	3.1	88,812	1.9	179,683	4.4
Kewaunee	36,034	0.4	28,455	0.6	7,580	0.2
La Crosse	80,519	0.9	72,817	1.6	7,702	0.2
Lafayette	29,837	0.3	22,681	0.5	7,156	0.2
Langlade	13,180	0.2	11,921	0.3	1,259	0.0
Lincoln	81,146	0.9	36,933	0.8	44,212	1.1

County Name	County-Paid Counsel Expenditures		County-Paid Counsel Recoupments		Net Expenditure	
	Amount	%	Amount	%	Amount	%
Manitowoc	\$299,910	3.5%	\$97,772	2.1%	\$202,138	5.0%
Marathon	362,326	4.2	262,005	5.7	100,321	2.5
Marinette	292,540	3.4	105,414	2.3	187,127	4.6
Marquette	25,151	0.3	21,063	0.5	4,088	0.1
Menominee	0	0.0	0	0.0	-	0.0
Milwaukee	718,552	8.3	171,314	3.7	547,238	13.4
Monroe	136,318	1.6	76,198	1.7	60,120	1.5
Oconto	100,628	1.2	80,772	1.8	19,856	0.5
Oneida	23,191	0.3	36,515	0.8	-13,324	-0.3
Outagamie	300,889	3.5	59,835	1.3	241,054	5.9
Ozaukee	115,624	1.3	65,704	1.4	49,921	1.2
Pepin	10,435	0.1	12,602	0.3	-2,167	-0.1
Pierce	54,806	0.6	42,379	0.9	12,427	0.3
Polk	123,872	1.4	59,586	1.3	64,286	1.6
Portage	57,289	0.7	23,108	0.5	34,181	0.8
Price	5,242	0.1	2,225	0.0	3,017	0.1
Racine	595,439	6.9	156,956	3.4	438,483	10.8
Richland	83,977	1.0	35,212	0.8	48,764	1.2
Rock	268,477	3.1	132,043	2.9	136,434	3.3
Rusk	32,371	0.4	16,310	0.4	16,061	0.4
Sauk	151,506	1.7	100,203	2.2	51,303	1.3
Sawyer	34,148	0.4	20,837	0.5	13,311	0.3
Shawano	14,524	0.2	15,333	0.3	-809	0.0
Sheboygan	340,745	3.9	216,368	4.7	124,377	3.1
St Croix	266,021	3.1	253,131	5.5	12,891	0.3
Taylor	20,313	0.2	6,727	0.1	13,586	0.3
Trempealeau	33,372	0.4	27,622	0.6	5,750	0.1
Vernon	11,546	0.1	5,245	0.1	6,300	0.2
Vilas	21,553	0.2	33,091	0.7	-11,537	-0.3
Walworth	106,925	1.2	91,498	2.0	15,427	0.4
Washburn	18,888	0.2	33,226	0.7	-14,338	-0.4
Washington	250,072	2.9	157,165	3.4	92,906	2.3
Waukesha	438,421	5.0	180,777	3.9	257,644	6.3
Waupaca	61,919	0.7	60,825	1.3	1,094	0.0
Waushara	53,452	0.6	39,474	0.9	13,978	0.3
Winnebago	188,870	2.2	161,343	3.5	27,527	0.7
Wood	<u>109,825</u>	<u>1.3</u>	<u>46,556</u>	<u>1.0</u>	<u>63,270</u>	<u>1.6</u>
Total	\$8,685,149	100.0%	\$4,611,648	100.0%	\$4,073,500	100.0%

## APPENDIX XII

### State Public Defender Trial Division Offices

